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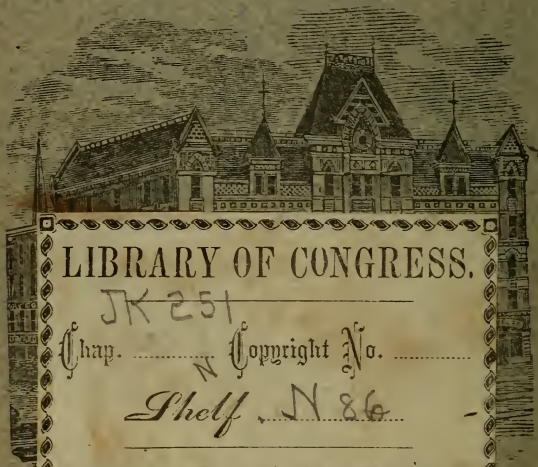
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*School bulletin publications*

# CIVIL GOVERNMENT

FOR

# Common Schools.

PREPARED AS A MANUAL FOR

PUBLIC INSTRUCTION

IN THE

STATE OF NEW YORK,

To which is appended the Constitution of the State of  
New York as recently amended.

BY

HENRY C. NORTHAM,

"

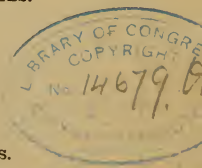
CONDUCTOR OF TEACHERS' INSTITUTES.

SYRACUSE, N. Y.:

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## I.—Introduction.

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Officers are elected to administer the government for {  
I. The United States.  
II. Each State.  
III. Counties.  
IV. Cities.  
V. Towns.  
VI. Districts

The following are names given to some of the different kinds of districts in the State of N. York {  
I. Road, School and Election Districts.  
II. School Commissioner Districts.  
III. Assembly districts  
IV. Senatorial “  
V. Congressional “  
VI. Judicial “

*Question.* Which are the smallest districts named ?

A. Road, School and Election districts.

Q. What is a road district ?

A. A portion of a town placed under the charge of an officer, whose duty it is to see that the roads are kept in good condition.

Q. What is a school district ?

A. A portion of a town or city, placed under the care of officers, whose duties are

to maintain a public school in and for the district.

Q. What is an Election district ?

A. A whole or part of a town, in which all the voting is done at one poll.

Q. What is a School commissioner district ?

A. A whole or a portion of a county, under the jurisdiction of a school commissioner.

Q. What is an Assembly district ?

A. A whole or a portion of a county set off for the purpose of electing a "Member of the Assembly," except Fulton and Hamilton, which together form one district, and elect one member.

Q. What is a Senatorial district ?

A. A portion of a county, a whole county, or several counties combined for the purpose of electing a Senator ; the amount of territory depending upon population.

Q. What is a Congressional district ?

A. A portion of a county, a whole county, or several counties combined for the purpose of electing a " Representative in Congress ;" the amount of territory depending upon population.

Q. What is a Judicial district ?

A. One county (as in the case of New York), or several counties united for the

purpose of electing Supreme Court Judges.

Q. Name the civil divisions in regular order and tell what a combination of each forms ?

A. Road and school districts form towns; towns when united form counties ; counties when united form a State ; and also in many instances, Senatorial, Congressional and Judicial districts. States when united form a Union.

Q. How many States are there ?

A. Thirty-eight.

Q. How many counties in New York State ?

A. Sixty.

Q. How many towns in New York State ?

A. Nine hundred and forty ; the number is changing from year to year ; the exact number can be found by consulting the almanacs that give the election returns.

Q. How many cities in the State of New York ?

A. Twenty-four.

Q. How many School Commissioner districts in New York State ?

A. One hundred and twelve.

Q. How many Assembly districts ?

A. One hundred and twenty-eight.

Q. How many Senatorial districts ?

B. Thirty-two.

Q. How many Judicial districts?

A. Eight.

Q. How many Congressional districts?

A. Thirty-three.

Q. How many School districts in New York State?

A. About twelve thousand.

Q. By what authority are counties organized?

A. By the State Legislature.

Q. How are Towns formed?

A. By an act of the board of supervisors.

Q. By whom are School districts formed?

A. Generally by the school commissioners, sometimes assisted by the supervisor and townclerk of the town; sometimes by special legislation.

A. What power defines the number of Assembly, Senatorial and Judicial districts?

A. The State Constitution.

Q. What power decides upon the number of Congressional districts?

A. The Congress of the United States.

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NOTE.—The following table will be the guide for questioning through all the succeeding pages :

I. Name of office.

II. Number of Officials holding the same office at the same time.

III. Term of office.

IV. Eligibility.

V. Duties.

VI. Salary or how paid.

## **II—The School District.**

---

Q. What is a school district ?

Q. How many school districts in your town ?

Q. How many school districts in your county ?

Q. How many school districts in New York State ?

Q. What are the names of the officers in a school district ?

A. I. Trustee or trustees ; or a board of education.

II. Clerk.

III. Collector.

IV. Librarian.

Q. What is the number of officials holding the same office at the same time ?

A. I. One or three trustees, as a district decides. If a board of education, it may be not less than three nor more than nine.

II. One clerk.

III. One collector.

IV. One librarian.

Q. What are the names of those districts in which there is a board of education ?

A. Union free school districts ; and they are allowed to have an additional officer, called a treasurer.

Q. What is the term of office of each ?

A. I. If there be only one trustee, his term is one year.

II. If there be three trustees, the term is three years, one being elected each year ; if the board of education consists of six or nine members, the term is three years ; one third of the number being elected each year.

III. Clerk, collector and librarian, each hold the office for one year.

Q. Who are eligible to school offices in this state ?

A. None but males ; they must be twenty-one years of age ; and trustees can hold no other school office.

Q. What are some of the duties of school district officers ?

#### TRUSTEES.

A. I. To hold and keep district property for the use of the school.

II. To hire and pay a qualified teacher or teachers, and maintain a school for at least twenty-eight weeks during the school year.

III. To make to the school commissioner an annual report between the first and

second Tuesdays of October in each year.

- IV. To make out all district taxes and issue a warrant for their collection, etc., etc.

CLERK.

- I. To record the proceedings of the district.
- II. To give notice according to law of annual and special meetings.
- III. To notify each person elected or appointed to office, and also to report their names and post-office address to the town clerk.
- IV. To notify the trustees of every resignation accepted by the supervisor.
- V. To keep and preserve all books, records and papers belonging to his office, and to deliver the same to his successor, etc., etc.

COLLECTOR.

- I. To collect all district taxes made out by trustees and placed in his hands.
- II To pay out the money as directed by their order.

LIBRARIAN.

To have charge and supervision of the school district library.

Q. What is the salary of these officers and how paid?

A. The collector only is entitled to pay ; he receives one per cent. on all moneys collected during the first fourteen days after advertising ; after that time five per cent.

Q. How shall we find hereafter that officers are paid ?

A. Some are paid a salary ; some by the day ; some by a fee ; some by a per cent.

Q. What is meant by a salary ? a fee ? a per cent ?

Q. How can a school district having three trustees change to one trustee ?

Q. Can a district having a sole trustee change back and legally elect three ?

---

[NOTE.—All questions unanswered here, should be studied by teachers very carefully, and the correct answers obtained. They should also introduce many others that will be suggested by the lesson.]

### III.—The Town.

---

Q. What is a town?

Q. How many towns in your county?

Q. How many towns in New York State?

Q. What are the names of the officers in a town, the number of officials in each, and their terms of office?

A. I. One supervisor, elected for one year.

II. One town clerk, elected for one year.

III. Four justices of the peace, elected for four years.

IV. Three assessors, elected for three years.

V. One or three highway commissioners, as the electors may determine; if one be elected, the term is one year; if three, the term is three years.

VI. One or two overseers of the poor, as the electors may determine; term one year.

VII. One collector, elected for one year.

VIII. Constables, not to exceed five; term one year.

IX. One game constable; term one year.

X. Three town auditors; term one year.

XI. Three excise commissioners; term three years.

XII. Three inspectors of election ; term one year ; and in some villages and cities a sealer of weights and measures.

Q. What are some of their duties ?

#### I. SUPERVISORS.

- I. To receive the school money belonging to the town, and pay it out by order of the trustees.
- II. To receive other money belonging to the town, and disburse the same according to law.
- III. To meet with the other supervisors of the county as a " board of county canvassers."
- IV. To meet with the other supervisors of the county as a " board of supervisors ; to audit all lawful accounts against the county, make out the tax lists and cause them to be collected ; and perform such other acts of legislation as the constitution and statute laws have conferred upon them.

#### II. TOWN CLERK.

- I. To keep the records of the town.
- II. To keep in his custody such books and papers as belong to the town.
- III. To act as clerk of the town meetings.
- IV. To file such papers as properly belong

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to his office ; and to perform the general clerical duties for the town.

### III. JUSTICES OF THE PEACE.

- I. To be the judicial officers for the town.
- II. To issue warrants for the arrest of persons accused of committing crimes, and also summonses for the purpose of bringing before them persons for trial in civil actions.
- III. To take acknowledgment of conveyances, administer oaths, act as inspectors at the town meeting, etc.

### IV. ASSESSORS.

- I. To make an inventory of the real estate in the town, naming the number of acres owned by each person, and fixing upon the same a valuation in proportion to its worth.
- II. To make an inventory of the personal property held by the several persons in town, such as notes, mortgages, &c., which with the real estate forms the basis for taxes.

### V. HIGHWAY COMMISSIONERS.

- I. To have the care and general supervision of the highways and bridges.
- II. To lay out new roads, when directed by a jury legally called for that purpose and

discontinue others when directed by the same authority.

- III. To divide the town into districts, and appoint overseers for the same.

VI. OVERSEERS OF THE POOR.

To look after and provide for, either at home or in the county house, such as are in indigent circumstances.

VII. COLLECTOR.

- I. To give a bond to the supervisor for double the amount to be collected, with one or more sureties for the faithful performance of his duties.
- II. To receive the tax list and warrant and collect the tax and pay it over as directed.

VIII. CONSTABLES.

- I. To serve summonses issued by the justices.
- II. To arrest and bring prisoners before a justice, and to have the custody of them.
- III. To collect moneys upon executions, and if necessary to sell property to satisfy the same.
- IV. To see that order is preserved in the community
- V. To attend the higher courts in their official capacity when directed by the sheriff.

IX. GAME CONSTABLE.

To look after and prosecute for the violation of the game laws.

X. TOWN AUDITORS.

To examine the accounts of the town officers and pass upon the same.

XI. EXCISE COMMISSIONERS.

To meet and act upon petitions asking for the privilege of selling spirituous liquors.

XII. INSPECTORS OF ELECTION.

I. To preside at the annual election, receive the votes legally presented, and deposit them in boxes prepared for that purpose.

II. To count the ballots at the close of the election, make a true statement thereof, and transmit it to the "board of canvassers."

Q. How are these officers paid ?

A. I. Supervisors receive three dollars per day for county services, and two dollars per day for town services, and are entitled to extras for copying assessment roll and paying out school money.

II. Town clerks are paid by the day for services ; also a fee for recording and filing papers.

- III. Justices, mostly paid by fees ; as officers of the town meeting they are paid by the day.
  - IV. Collectors receive a percentage for collecting the money.
  - V. Constables receive a fee, a percentage, and for some services are paid by the day.
  - VI. Game constables receive a portion of the fine money collected by reason of their prosecutions.
  - VII. All the remaining officers are paid for their services by the day.
- Q. What must all these officers do before entering upon their duties ?
- A. They must qualify ; that is, take the oath of office.
- Q. What is the oath of office ?
- A. See state constitution, art. XII, sec. 1.
- Q. Who can administer the oath of office ?
- A. I. The county clerk administers the oath to the justices of the peace.
- II. A justice of the peace administers the oath to all other town officers, except inspectors of election.
- III. The chairman of the inspectors of election administers the oath to the other inspectors, and one of the others in turn administers it to the chairman.

Q. How many supervisors in the towns of the state ?

Q. How many supervisors in the cities of the state?

Q. How many justices of the peace in the state?

#### **IV.—The County.**

---

Q. What is a county ?

Q. By what authority organized ?

Q. How many counties in the state ?

Q. When was the colony of New York first divided into counties ?

A. In 1683.

Q. How many counties were established in 1683 and their names ?

A. Ten : viz, Kings, Queens, Suffolk, New York, Richmond, Westchester, Dutchess, Albany, Ulster and Orange.

Q. What are these counties called ?

A. Original counties.

Q. What are the names of the county offices, the number of officials in the same office, and their term ?

A. I. One sheriff, term is three years.

II. One county judge, term is six years :  
in a few counties there are special judges ; same length of term.

III. In counties containing more than forty thousand inhabitants a surrogate may be elected ; in counties containing less than forty thousand inhabitants, the county judge performs the duties of

judge and surrogate ; the term of surrogate is six years ; in a few counties there are special surrogates.

IV. One county clerk ; term is three years.

V. One treasurer ; term is three years.

VI. One district attorney ; term is three years.

VII. Four coroners ; term is three years.

VIII. One or three superintendents of the poor ; term is three years.

IX. Two justices of sessions ; term is one year.

X. One school commissioner for each commissioner district ; term is three years.

Q. What about the eligibility of these officers ?

A. I. The sheriff is prohibited from holding the same office for a succeeding term, neither can he hold any other office at the same time. Const., Art. X, Sec. 1.

II. No county judge can hold the office longer than the last day of December succeeding his seventieth birthday. Art. VI, Sec. 13.

III. No person, except a counselor at law in the supreme court, can hold the office of district attorney, if there be

such an one in the county ; if there be none, then an attorney may be elected.

IV. Supervisors and county treasurers cannot hold the office of county superintendent of the poor.

V. No sheriff, under sheriff, deputy, sheriff's clerk or coroner can practice as counselor at law during his term of office.

VI. Justices of the sessions must be acting justices of the peace in their respective towns.

VII. There are no other prohibitions in regard to age or re-election of county officers.

Q. What are some of their duties.

#### I. SHERIFF.

A. I. He is the executive officer of the county.

II. By himself or by his deputies, executes civil and criminal processes throughout the county.

III. Has charge of the jail and prisoners.

IV. Attends courts, and keeps the peace.

V. Must be present by himself or under-sheriff, at the drawing of jurors, and cause them to be legally summoned.

#### II. JUDGE.

I. He is the presiding officer in the county court.

- II. He may with two justices of sessions, hold Courts of Sessions, with such criminal jurisdiction as the Legislature may prescribe.
- III. The county judge of any county may preside at Courts of Sessions, or hold County Courts, in any other county except New York and Kings, when requested by the judge of such other county. Art. VI, Sec. 15.

III. SURROGATE.

- I. Takes proof of wills of real or personal property.
- II. Grants letters testamentary or administrative.
- III. Attends generally to the settlement of the estates of deceased persons.

IV. COUNTY CLERK.

- I. He is the clerk of the courts held in and for the county, namely: Circuit, Oyer and Terminer, County Court and Court of Sessions, and the Special Term.
- II. Administers the oath to jurors and witnesses.
- III. Records the judgments of the courts.
- IV. Draws the grand and petit juries and makes a return of the same.
- V. Records mortgages, deeds, satisfaction papers, &c.

## V. TREASURER.

- I. Receives the moneys collected by the several town collectors for county and state taxes.
- II. Pays over to the comptroller the amount going to the state.
- III. Pays out the amount due the county, as directed by law.
- IV. Receives from the comptroller the school money due the county, and pays the same over to the several supervisors, as directed by the school commissioner's certificate.
- V. Makes a general statement of the financial affairs of his office to the board of supervisors, annually.

## VI. DISTRICT ATTORNEY.

- I. He is the attorney for the county.
- II. Presents complaints made to him accusing parties of crime, to the grand jury.
- III. Draws "bills of indictment" when found by the grand jury.
- IV. Tries indicted parties in the Oyer and Terminer, and Court of Sessions.

## VII. CORONERS.

- I. Look after and inquire into all matters concerning persons slain, or who have died mysteriously.

- II. Summon a jury, subpœna witnesses, and ascertain as far as possible all the facts in regard to the death.
- III. In case of a vacancy in the office of sheriff, and there being no under sheriff, one of the coroners designated by the county judge, performs the duties of sheriff until said vacancy be filled by election or appointment.
- IV. Have power to arrest the sheriff upon criminal processes.

VIII. SUPERINTENDENTS OF THE POOR.

Have the general care of the county poor house ; appoint persons to take charge of the same ; and render an account annually to the " board of supervisors " of their doings.

IX. JUSTICES OF SESSIONS.

- I. Sit upon the bench with the county judge in the Court of Sessions and with the Supreme Court judge in the Oyer and Terminer, for the trial of such criminals as have been indicted by a grand jury.
- II. The law gives them just as much power in the decision of questions as the judge.

X. SCHOOL COMMISSIONERS.

- I. Apportion the school moneys among the several districts in the county.

II. Make an annual report to the superintendent of public instruction, containing all the statistics embraced in the several reports from the trustees of his district.

III. Visit and examine all the schools and school districts within their districts as often in each year as shall be practicable; inquire into all matters relating to the management, the course of study and mode of instruction, the text books used and the discipline of such schools.

IV. Examine in regard to the "moral character," "learning" "and ability to teach," persons proposing to teach public schools in their districts; and if they find them qualified, grant them certificates in the form prescribed by the superintendent.

V. Form new districts, or change the boundary lines of old ones.

VI. Organize at least once each year, or in concert with one or more commissioners in the same county, a "teachers' institute," and induce if possible all the teachers in their districts to be present and take part in its exercises.

Q. What are the salaries of each of these officers, or how paid?

I. SHERIFF.

- A. I. Receives a fee on all papers served.
- II. Receives a per cent on money collected on executions.

II. JUDGE.

Receives a salary established by the legislature, varying in different counties according to population and business.

III. SURROGATE.

- I. Receives a salary, varying in different counties, according to business.
- II. When the judge performs the duties of surrogate the one salary suffices for all the duties performed.
- III. The surrogate is entitled to a clerk.

IV. COUNTY CLERK.

- I. Receives a fee for all papers recorded.
- II. Receives a fee for administering oaths in court.
- III. Is paid extra for copying or re-indexing old records.

V. TREASURER.

- I. Receives such compensation as shall be fixed upon by the "board of supervisors" of the county, not exceeding the one-half of one per cent for receiving and the one-half of one per cent

for disbursing all moneys belonging to the county.

- II. Is entitled to one-half of one per cent for receiving, and one-half of one per cent for disbursing all moneys belonging to the state ; but in no case shall the sum exceed five hundred dollars.

VI. DISTRICT ATTORNEY.

- I. A salary fixed by the board of supervisors, when they resolve so to do.  
II. Can try civil causes, when not engaged officially, receiving as his own the fees for the same.

VII. CORONERS.

- I. For holding inquests, they are entitled to a reasonable compensation to be audited and allowed by the board of supervisors.  
II. For performing sheriff's duties, they are entitled to same fees as sheriff.

VIII. SUPERINTENDENT OF THE POOR.

Paid by the day.

IX. JUSTICES OF SESSIONS.

Three dollars a day.

X. SCHOOL COMMISSIONERS.

- I. A salary of eight hundred dollars a year, established by law.

II. Supervisors are required to audit and allow two hundred dollars extra for expenses.

III. A majority of the supervisors of any school commissioner district may increase the salary of said school commissioner; the increased salary must be levied upon the towns composing such commissioner district.

Q. What must county officers do, before entering upon the duties of their office?

A. Take the oath prescribed by State Constitution in Art. XII, Sec. 1.

Q. What county officers are required in addition to the oath prescribed to execute a bond for the faithful performance of their duties?

A. Sheriff, county treasurer, surrogate and county superintendents of the poor.

Q. Who administers the "oath of office" to the county officers?

A. The county clerk.

Q. In case of the re-election of the county clerk, before whom can he qualify?

A. The county judge.

Q. Where are these oaths of office and bonds recorded?

A. In the county clerk's office.

Q. Who is the sheriff of this county?

Q. Who is the present judge; and what is his salary?

Q. Is there a separate officer as surrogate, and why?

Q. Who is the county clerk?

Q. Who is the county treasurer?

Q. Who is the district attorney?

Q. Who are the coroners?

Q. Who are the superintendents of the poor?

Q. Who are the justices of sessions?

Q. Who are the school commissioners?

# IV.—A Table.

Showing the salaries of the several county judges and surrogates of the State at the present time, liable to be changed by the legislature.

|              | JUDGE.   | SURROGATE. |
|--------------|----------|------------|
| Kings,       | \$10,000 | \$10,000   |
| Albany,      | } 4,500  | 4,000      |
| Westchester, |          | 4,000      |
| Erie,        | } 5,000  | 4,500      |
| Rensselaer,  |          | 4,000      |
| Onondaga,    | } 4,000  | 3,500      |
| Oneida,      |          | 3,500      |
| Monroe,      |          | 4,000      |
| Otsego,      | } 3,000  | 2,500      |
| Saratoga,    |          | 2,500      |
| Ulster,      |          | 3,000      |
| Dutchess,    |          | 3,000      |
| Orange,      |          | 3,000      |
| Clinton,     |          |            |
| Columbia,    |          | 3,000      |
| Washington,  |          | 2,500      |

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|               |   |         |         |
|---------------|---|---------|---------|
| Niagara,      | } | 2,500   | 2,000   |
| Jefferson,    |   |         | 2,500   |
| Queens,       |   |         | 3,000   |
| St. Lawrence, | } | \$2,000 | \$2,000 |
| Oswego,       |   |         | 2,000   |
| Cayuga,       |   |         | 2,000   |
| Ontario,      |   |         | 1,500   |
| Chautauqua,   |   |         | 1,600   |
| Cattaraugus,  |   | 1,500   | 1,500   |

The following are counties in which county judges act as surrogates :—

|              |   |         |
|--------------|---|---------|
| Franklin,    | } | \$2,000 |
| Lewis,       |   |         |
| Rockland,    |   |         |
| Schenectady, |   |         |
| Warren,      |   |         |
| Wayne,       | } | 3,000   |
| Broome,      |   |         |
| Chemung,     |   |         |
| Chenango,    |   |         |
| Delaware,    |   |         |
| Greene,      | } | 3,500   |
| Herkimer,    |   |         |
| Livingston,  |   |         |
| Madison,     |   |         |
| Montgomery,  |   |         |
| Richmond,    | } | 3,500   |
| Steuben,     |   |         |

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|            |   |         |
|------------|---|---------|
| Cortland,  | } | \$2,500 |
| Essex,     |   |         |
| Genesee,   |   |         |
| Orleans,   |   |         |
| Schoharie, |   |         |
| Seneca,    |   |         |
| Suffolk,   |   |         |
| Sullivan,  |   |         |
| Tioga,     |   |         |
| Tompkins,  | } | 1,500   |
| Wyoming,   |   |         |
| Putnam,    |   |         |
| Schuyler,  | } | 2,750   |
| Yates,     |   |         |
| Allegany,  |   |         |
| Fulton,    |   | 2,250   |
| Hamilton,  |   | 800     |

## V.—The City.

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Q. What is a city?

Q. By what authority organized?

A. By an act of the legislature.

Q. What instrument defines its powers?

A. A charter.

Q. What are the divisions of a city called?

A. Wards.

Q. Name the cities in New York State and the number of wards in each?

Answer.

|              |     |           | Population<br>in 1875. |
|--------------|-----|-----------|------------------------|
| New York     | has | 24 wards, | 1,046,037              |
| Brooklyn     | "   | 25 "      | 484,616                |
| Buffalo      | "   | 13 "      | 134,573                |
| Albany       | "   | 16 "      | 86,013                 |
| Rochester    | "   | 16 "      | 81,673                 |
| Troy         | "   | 13 "      | 48,821                 |
| Syracuse     | "   | 8 "       | 48,315                 |
| Utica        | "   | 10 "      | 32,070                 |
| Oswego       | "   | 8 "       | 22,455                 |
| Elmira       | "   | 7 "       | 20,538                 |
| Kingston     | "   | 9 "       | 20,474                 |
| Poughkeepsie | "   | 6 "       | 19,859                 |
| Auburn       | "   | 7 "       | 18,359                 |

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|                  |     |                |        |
|------------------|-----|----------------|--------|
| Cohoes           | has | 4 wards,       | 17,516 |
| Newburg          | "   | 4 "            | 17,327 |
| Yonkers          | "   | 4 "            | 17,269 |
| Long Island City | "   | 5 "            | 15,609 |
| Binghamton       | "   | 5 "            | 15,560 |
| Schenectady      | "   | 5 "            | 12,748 |
| Lockport         | "   | 4 "            | 12,624 |
| Rome             | "   | 5 "            | 11,922 |
| Ogdensburg       | "   | 4, Pop. in '70 | 10,076 |
| Watertown        | "   | 4 wards,       | 10,041 |
| Hudson           | "   | 4 "            | 8,828  |

The census for 1880 will change the above figures.

Q. How populous must a village be, before it can be incorporated as a city.

A. No definite number is required ; whenever a large proportion of the inhabitants desire it, the legislature will grant a city charter.

Q. What is the executive officer of a city called ?

A. The Mayor. His term of office is one year, except in New York and Albany where it is two years.

Q. What other important officers are elected ?

A. Aldermen and Supervisors ; one each in every ward, unless otherwise ordered by their charter.

Q. What officers form the common council ?

A. Mayor and aldermen ; and they are the legislative body of the city ; they have authority to appoint police officers.

Q. What courts exist in cities in addition to those established for the State at large ?

A. I. The Superior Court of the city of New York.

II. The Court of Common Pleas for the city and county of New York.

III. The Superior Court of Buffalo.

IV. The City Court of Brooklyn. Const., Art. VI., Sec. 12.

#### JURIES.

Q. What is a jury ?

A. A body of men selected according to law, and sworn to inquire into and try any matter of fact, and declare the truth of it on the evidence given in the case.

Q. Name some juries ?

A. I. One of six persons for the trial of causes in a Justice Court.

II. One of twelve persons, summoned for the purpose of laying out new roads or discontinuing old ones.

III. One of not less than six nor more than fifteen persons, summoned by the coroner, to inquire into the cause of any violent death.

IV. One of twelve men, called a petit jury, whose duty it is to try causes, civil or criminal, in the county court and sessions, or circuit and oyer and terminer.

V. One called a grand jury of not less than sixteen nor more than twenty-three, whose duty it is to examine into accusations against persons charged with crime, and if they find sufficient testimony to warrant it, to find a bill of indictment against them to be presented to the court.

Q. Name some qualifications requisite for jurors?

A. They must be freeholders, twenty-one years old.

Q. Who are exempt from sitting on a jury?

A. Persons over sixty years of age, postmasters and many others.

Q. How many are summoned for a justice court and by whom?

A. Twelve, and by a constable; and from these twelve six are drawn.

Q. Who selects and notifies the jury for laying out roads, &c.?

A. The highway commissioners.

Q. By whom is the coroner's jury made out and summoned?

A. By the coroner.

Q. How is the petit jury list obtained?

A. The supervisors, town clerk, and assessors of the several towns of the county, make out a list of the names of those persons qualified, and the names in the several lists are written upon slips of papers of the same size and deposited in a box in the county clerk's office.

Q. How is the grand jury list obtained?

A. The supervisors apportion the number, (three hundred,) among the several towns in the county in proportion to population. Each supervisor selects from his town the number to which it is entitled; and these several lists are written upon slips of paper as before and deposited in a box in the county clerk's office.

Q. How frequently are the lists changed?

A. The petit jury list is changed once in three years; the grand jury list every year.

Q. When are these juries drawn?

A. At least thirty days' before the sitting of the court.

Q. How many are drawn?

A. Thirty-six petit and twenty four grand jurors.

Q. How is the jury for each individual case obtained?

A. The thirty-six petit jurors' names are

put into a box and the names are drawn out until twelve satisfactory persons are obtained.

Q. How many of this jury must agree in a verdict?

A. The twelve must agree.

Q. Who is the officer authorized to report the verdict?

A. The person they have elected foreman.

Q. In case the twelve jurymen do not agree, what will be done?

A. When the judge is satisfied that the jury will not agree he will discharge them.

Q. What will be done with the case then?

A. Another trial will take place with a different jury, unless the suit be discontinued.

Q. Who is the presiding officer of the grand jury?

A. The foreman, and he is appointed by the judge who presides at that court.

Q. What other officer does this jury have?

A. A clerk, one of their number, who writes out the testimony as it is given.

Q. Who can be present with this jury?

A. Only the witness who is being examined, and the district attorney, if desired

by the jury ; but none except jurors can be present when they ballot in regard to a bill.

Q. What is done with a bill of indictment when found ?

A. It is handed over to the court, and the sheriff will cause the arrest of the person, unless he be already in custody.

## VII.—State.

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Q. Upon what is the state government based ?

A. Upon a constitution adopted by the people.

Q. How many departments are provided for by the constitution ?

A. Three ; the Legislative, Executive, and Judicial.

Q. What are the divisions of the Legislative department ?

A. The Assembly and the Senate.

Q. What is the number of members in each body, and their term of office ?

A. One hundred and twenty-eight members of the Assembly, elected for one year  
Thirty-two senators elected for two years.

Art. III., Const.

Q. When, and how is the number of members of the Assembly apportioned among the several counties ?

A. Once in ten years by the Legislature immediately after taking the state census ; and as nearly as can be, according to population, excluding aliens, but giving to every

county except Hamilton at least one member.

Q. When and how is the number of members of the Senate, apportioned in the state ?

A. At the same time, by the Legislature ; and as nearly as possible according to population. A Senatorial district sometimes embraces a portion of a county, sometimes a whole county ; at other times two or more counties ; but no county can be divided, unless it can be equitably entitled to two or more members.

The following apportionment was made by the Legislature in 1866, and has not been changed since the census of 1875 ; should the next Legislature make a new apportionment, it will remain in force until 1886.

#### SENATE DISTRICTS.

- I. The Counties of Suffolk, Queens and Richmond.
- II. The First, Second, Third, Fourth, Fifth, Seventh, Eleventh, Thirteenth, Fifteenth, Nineteenth, and Twentieth wards of the city of Brooklyn, in the county of Kings.

- 
- III. The Sixth, Eighth, Ninth, Tenth, Twelfth, Fourteenth, Sixteenth, Seventeenth, Eighteenth, Twenty-first, Twenty-second, Twenty-third, Twenty-fourth, and Twenty-fifth wards of the city of Brooklyn, and the country towns of Kings county.
  - IV. The First, Second, Third, Fourth, Fifth, Sixth, Seventh, Thirteenth and Fourteenth, wards of the city of New York.
  - V. The Eighth, Ninth, Fifteenth, and Sixteenth wards of the city of New York.
  - VI. The Tenth, Eleventh and Seventeenth wards of the city of New York.
  - VII. The Eighteenth, Twentieth, and Twenty-first wards of the city of New York.
  - VIII. The Twelfth, Nineteenth and Twenty-second wards of the city of New York.
  - IX. The Twenty-third and Twenty-fourth wards of the city of New York, and the counties of Putnam, Rockland and Westchester.

- X. The Counties of Orange and Sullivan.
- XI. The Counties of Columbia and Dutchess.
- XII. The Counties of Rensselaer and Washington.
- XIII. The County of Albany.
- XIV. The Counties of Greene and Ulster.
- XV. The Counties of Fulton, Hamilton, Montgomery, Saratoga and Schenectady.
- XVI. The Counties of Clinton, Essex and Warren.
- XVII. The Counties of Franklin and St. Lawrence.
- XVIII. The Counties of Jefferson and Lewis.
- XIX. The County of Oneida.
- XX. The Counties of Herkimer and Otsego.
- XXI. The Counties of Madison and Oswego.
- XXII. The Counties of Cortland and Onondaga.
- XXIII. The Counties of Chenango, Delaware and Schoharie.
- XXIV. The Counties of Broome, Tioga, and Tompkins.

- XXV. The Counties of Cayuga and Wayne.
- XXVI. The Counties of Ontario, Seneca and Yates.
- XXVII. The Counties of Chenango, Schuyler and Steuben.
- XXVIII. The County of Monroe.
- XXIX. The Counties of Genesee, Niagara and Orleans.
- XXX. The Counties of Allegany, Livingston and Wyoming.
- XXXI. The County of Erie.
- XXXII. The Counties of Cattaraugus and Chautauqua.

#### THE ASSEMBLY.

Allegany, Broome, Chemung, Chenango, Clinton, Cortland, Essex, Franklin, Fulton and Hamilton, Genesee, Greene, Herkimer, Lewis, Livingston, Montgomery, Orleans, Putnam, Richmond, Rockland, Schenectady, Schoharie, Schuyler, Seneca, Suffolk, Sullivan, Tioga, Tompkins, Warren, Wyoming and Yates are each (except Fulton and Hamilton, which are combined) one district.

Cattaraugus, Cayuga, Chautauqua, Columbia, Delaware, Dutchess, Jefferson, Madison, Niagara, Ontario, Orange, Otsego, Queens, Saratoga, Steuben, Washington and Wayne have each two districts.

Monroe, Onondaga, Oswego, Rensselaer, St. Lawrence, Ulster and Westchester have each three districts

Albany and Oneida have each four districts.

Erie has five districts.

Kings has nine districts.

New York has twenty-one districts.

In all, there are one hundred and twenty-eight assembly districts, each electing one member of the assembly.

Q. What must be done in those counties that are entitled to two or more members?

A. The "boards of supervisors" of such counties, except the city and county of New York, must divide their respective counties into Assembly districts; the number of districts being equal to the number of members heretofore apportioned by the Legislature to these several counties; the territory must be contiguous, and no town can be divided in the formation of districts.

Q. By whom is the city and county of New York divided into districts?

A. By the "board of aldermen"; they meet for that purpose at such time as the Legislature shall designate.

#### ELIGIBILITY.

Q. Who are eligible to the Legislature?

A. The requirements are these.

- I. The candidate must be twenty-one years of age.
- II. He must not at the time of election, nor within one-hundred days previous thereto, have been a member of congress, a civil or military officer under the United States, or any officer under any city government.
- III. Should any person after his election to the Legislature be elected or appointed to any of the offices just named, his acceptance thereof will vacate his seat in the Legislature.

#### DUTIES.

Q. What are some of the duties of the members of the assembly ?

- I. To take the oath of office.  
Art. XII., Sec. I Const.
- II. To organize by electing their presiding officer, who is called the speaker ; and who must be one of their number.
- III. To elect also the other officers, viz : a Clerk, Sergeant-at-Arms, Door-Keeper, and two assistant Door-Keeper ; persons not members of their body.
- IV. To have co-ordinate jurisdiction with the Senate in the enactment of laws.

V. To prefer charges against officers for misconduct in office ; which is called impeachment.

ORGANIZATION.

Q. Who calls the Assembly to order for the purpose of organization ?

A. The Clerk of the last Assembly.

Q. Who furnishes the Clerk with an official list of the members elect ?

A. The Secretary of State.

Q. By whom is the oath of office administered ?

A. Usually by the Secretary of State. The oath may, however, be taken previously, before any Justice of the Supreme Court, Attorney-General, the Lieutenant Governor, any Judge of a County Court, the Mayor or Recorder of any city, or the Clerk of any county or Court of Record. The oath whenever taken must be duly subscribed, certified, and filed in the office of the Secretary of State. Members who are absent at the organization, may be sworn by the Speaker, if they have not previously taken the oath.

Q. By whom are the other officers appointed ?

A. By the Speaker, except those in the department of the Clerk ; he having power to appoint his own deputies.

## THE SENATE.

Q. Who is the presiding officer in the Senate?

A. The Lieutenant-Governor, and he is called the President of the Senate.

## DUTIES.

Q. What are some of the duties of the State Senate?

- I. To elect the remaining officers, whose names and duties are about the same as in the Assembly.
- II. To have co-ordinate jurisdiction with the Assembly in enacting laws.
- III. To act as a court for the trial of impeachments, associated with the judges of the Court of Appeals, and the President of the Senate.
- IV. To confirm or reject appointments made by the Governor.
- V. To elect a temporary president when the Lieutenant-Governor shall not attend as president, or shall be called to act as Governor.

Q. How many members must be present in each house to do business?

A. A majority, which is called a quorum.

## BILLS.

Q. Where may bills originate?

A. Any bill may originate in either house of the Legislature.

Q. What is the difference between the Legislature of this state and Congress in this respect?

A. In Congress all bills for raising revenues *must* originate in the *House of Representatives*.

Q. What may either house do with bills originating in the other house?

A. Amend them; but both houses must agree to the amendment or amendments, before they can become a law.

Q. What is required in order that a bill may become a law?

- I. The assent of a majority of all the members elected to each branch of the Legislature, together with the approval of the Governor;
- II. Or if he disapproves of it, that it be returned to the house in which it originated, with his objections; and, after reconsideration, if two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent to the other house by which it shall likewise be reconsidered, and if two-thirds of all its members approve of it, it shall become a law notwithstanding the objections of the Governor.

- III. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall become a law in like manner as if he had signed it, unless the Legislature, by adjourning, shall prevent its returning; in which case it shall not become a law without the signature of the Governor.
- IV. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment.

#### IMPEACHMENT.

Q. What class of persons can be tried in the court of impeachment?

A. Public officers that have had charges preferred against them by the Assembly.

Q. Of whom is the court of impeachment composed?

A. Of the Senators, or a majority of them, the Judges of the Court of Appeals, or a majority of them, and the Lieutenant-Governor; and two-thirds of all present must concur in order to convict.

Q. When shall the Lieutenant-Governor not act as a member of this court?

A. When the Governor is being tried. He may be presumed to be an interested

party, for if the Governor should be found guilty and be removed, the Lieutenant-Governor becomes Governor.

Q. What penalty can be inflicted by this court?

A. Removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit, under this state.

Q. Can such parties be further punished?

A. Yes; they may be indicted, tried and punished according to law, by fine or imprisonment, or both, according to the nature of the crime.

#### VOTING.

Q. Who are entitled to vote upon all questions in the Legislature?

A. All the members in the Assembly and Senate; and this includes the Speaker of the Assembly.

Q. When is the President of the Senate entitled to vote?

A. Upon questions on which the Senate is equally divided or tied.

Q. Why should not the President of the Senate have a vote upon all questions?

A. Because he has not been elected a member of that body; but becomes its presiding officer by virtue of the constitutional

provision which makes the Lieutenant-Governor its president.

#### KINDS OF VOTING.

Q. Name some of the kinds of voting practiced.

I. By showing hands.

II. By Acclamation.

III. By dividing or separating the persons voting into two bodies.

IV. By Ballot.

V. By Ayes and Noes.

VI. By Viva Voce.

Q. Where are the first three kinds of voting usually practiced?

A. In conventions of different kinds, primary meetings, &c.

Q. Where is the fourth kind of voting practiced?

A. Usually in the election of officers of different kinds.

Q. Where is the fifth kind of voting used?

A. Usually in the Legislature and some other deliberative bodies, and in this way: the names of the persons entitled to vote are arranged alphabetically, and as the clerk calls the roll each member responds aye or nay as he wishes to vote for or against the bill or resolution.

Q. When and how is the sixth kind of voting used?

A. In the election of United States Senators, usually the Speaker of the Assembly, and a few other officers, and in this way: as the names of those entitled to vote are called, they respond by naming their candidate.

#### SALARY.

Q. How are Assemblymen and Senators paid?

- I. By a salary fixed by the constitution, of one thousand five hundred dollars,
- II. And one dollar for every ten miles travelled in going to and returning from the place of meeting, once in each session on the most usual route.
- III. Senators when convened in extraordinary session, or when serving as members of the Court of Impeachment, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive ten dollars a day additional allowance.

#### STATE.

A tabular view of officers, showing the source from whence they derive their authority:

Elected by the People of the State. {

- Executive { Governor.
- Presiding Officer { Lieut. Governor.
- Administrative { Secretary of State.  
Comptroller.  
Treasurer.  
Attorney General.  
State Engineer and Surveyor.
- Judicial { Judges of the Court of Appeals.

Appointed by Governor and Senate. {

- Superintendent of Banking.
- Superintendent of Insurance.
- Canal Auditor.
- Superintendent of Prisons.
- Superintendent of Public Works.
- Notaries Public.
- State Assessors.
- Loan Commissioners.
- Canal Appraisers.
- Quarantine Commissioners.
- Trustees of State Institutions, and some others.

Elec'd by joint bal. {

- Superintendent of Public Instruction.
- Regents of the University.
- United States Senators.

Q. What are the first seven officers called ?

A. They are called elective officers.

Q. Why elective ?

A. Because the officers are voted for directly by the people.

Q. Why are the Sec. of State, Comp., Treasurer, &c. called administrative ?

A. Because they assist the Governor in the administration and enforcement of the laws.

Q. What are the Superintendent of Banking, Insurance, &c., called.

A. They are called appointive officers.

Q. Why appointive ?

A. Because these offices are filled by appointment by the Governor subject to the ratification of the Senate.

Q. What is meant by being elected in joint ballot ?

A. Both houses (that is Senate and Assembly) vote together as one body.

Q. How many officials in the offices just named ?

A. One of each of the following, viz : Gov., Lieut. Gov., Sec. of State, Comp., Treas., Atty. Gen., State Eng. and Surveyor, seven Judges of the Court of Appeals, one each of Banking, Insurance, Canal Auditor,

Supt. of Prisons and Public Works. A large number of Notaries, two Loan Commissioners for each County, three Canal Appraisers, one Superintendent of Public Instruction, nineteen Regents, and two United States Senators.

TERM OF OFFICE.

Q. For how long a term are the Governor and Lieutenant Governor elected?

A. For three years each.

Q. For how long a term are the Sec. of State, Comp., Treas., Atty. Gen. and State Eng. and Surveyor elected?

A. For two years each.

Q. For how long a term are the Superintendents of Banking, Insurance and Canal Auditor appointed?

A. For three years.

Q. For how long a term is the Supt. of Prisons appointed?

A. For five years.

Q. For how long a term is the Superintendent of Public Works appointed?

A. As long as the term of the Governor appointing him lasts.

Q. For how long a term is the Superintendent of Public Instruction elected?

A. For three years.

Q. For how long a term the Regents of the University?

A. For life.

#### ELIGIBILITY.

Q. What about the eligibility of these officers?

A. The Governor and Lieutenant Governor must be thirty years of age, and shall have been for the five years next preceding their election residents of the State.

Q. What are some of the duties of the Governor?

A. He is commander-in-chief of all the military and naval forces of the State, has power to convene the Legislature (or Senate only) on extraordinary occasions, communicates by message to the Legislature at every session the condition of the State, and recommends such measures as he deems expedient, transacts all necessary business with the officers of the government, civil and military, expedites all measures resolved upon by the Legislature, takes care that the laws are faithfully executed, and has the power of granting reprieves, commutations and pardons for crimes.

Q. What are some of the duties of the Lieutenant Governor?

A. He is President of the Senate and has

the casting vote therein, is a member of the canal board, is one of the commissioners of the Land Office, is one of the commissioners of the Canal Fund, is one of the trustees of the Capitol, is one of the trustees of the Idiot Asylum, and, *ex-officio*, one of the Regents of the University, and member of the State Board of Charities. If the Governor dies, resigns, is impeached, or otherwise becomes unable to discharge the powers and duties of his office, they devolve upon the Lieutenant Governor for the residue of the term.

Q. What are some of the duties of the Secretary of State?

A. He is the keeper of the record books and papers belonging to the State, receives and records all pardons, and other executive and legislative acts, election returns, etc., furnishes certified and printed copies to the United States, State and County officers, and other persons authorized to receive the same, supervises the printing of the laws passed each year, reports annually to the Legislature statistics of pauperism and crime, and other information which it may call for. He is a member of the Canal Board, a commissioner of the Land Office, a member of the Board of State Canvassers,

a Regent of the University, a trustee of the Capitol, of the State Hall, of the Idiot Asylum, and of the Board of State Charities.

Q. What are some of the duties of the Comptroller?

A. Superintends and manages the fiscal concerns of the State, reports to the Legislature its annual revenues, expenditures and estimates, audits, examines and settles accounts due to or from the State, directs and superintends the collection of taxes and other moneys, draws warrants on the Treasurer for the payments of debts due by the State, negotiates temporary loans, if necessary to meet demands against the State, countersigns and registers all Treasurer's checks and receipts. He is a member of the Canal Board, a commissioner of the Land Office and of the Canal Fund, a member of the Board of State Canvassers, a trustee of the Capitol, the State Hall and the Idiot Asylum, and a member of the State Board of Charities.

Q. What are some of the duties of the Treasurer?

A. He has charge of all the moneys paid into the State Treasury, pays drafts upon the warrants of the Comptroller, the Auditor of

the Canal Department and Superintendent of the Bank Department, and keeps the State's Bank account. He is commissioner of the Land Office, and of the Canal Fund, a member of the Canal Board, and Board of State Canvassers.

Q. What are some of the duties of the Attorney General?

A. He defends and prosecutes all suits in which the State is interested, receives costs adjudged to the State, prepares drafts of contracts, etc., for State officers, and prosecutes in their behalf persons violating the laws in regard to their departments, prosecutes criminals in the Oyer and Terminer when required by the Governor or Justices of the Supreme Court. He is commissioner of the Land Office and of the Canal Fund, a member of the Canal Board, the Board of State Canvassers, the Board of State Charities and a trustee of the Capitol and State Hall.

Q. What are some of the duties of the State Engineer and Surveyor?

A. He prescribes the duties of, and assigns divisions of canals to engineers, visits and inspects canals, prescribes surveys, maps, plans, estimates, etc., in the construction and improvement of a canal,

is a member of the Canal Board, of State Canvassers, a commissioner of the Land Office and a trustee of the State Hall.

Q. What are some of the duties of the Superintendent of Banking?

A. He has the general supervision of the banks of the State, and reports their condition annually to the Legislature, issues circulating notes to banks on their depositing securities, holding their stocks and mortgage securities, and when a bank proves insolvent sells them and redeems its circulation.

Q. What are some of the duties of the Superintendent of Insurance?

A. He has the general supervision of all insurance companies transacting business in the State, and reports their condition annually to the Legislature.

Q. What are some of the duties of the Canal Auditor?

A. He draws warrants on the Treasurer for all canal payments, audits all canal accounts, instructs canal collectors and disbursing officers, keeps account of canal receipts and expenditures, etc., is *ex-officio* secretary of the Canal Board and of the Commissioners of the Canal Fund.

Q. What are some of the duties of the Superintendent of Prisons?

A. He has general supervision of the prisons, appoints the keepers and other officers therein.

Q. What are some of the duties of the Superintendent of Public Works?

A. He has charge of the Public Works, of the construction of new canals, &c., reports annually to the Legislature.

Q. What are some of the duties of the Superintendent of Public Instruction?

A. He has general superintendence of the public schools ; inquires into their management ; advises and directs in regard to their course of instruction and discipline. He apportions and distributes the public moneys ; examines the supplementary apportionment made to all the districts by the school commissioners and sees that to each district is set apart its proportionate share, and that the same is expended by the trustees and paid by the supervisor according to law. Decides all appeals involving school controversies that are brought before him, and his decision is final until reversed by a court having jurisdiction ; he is charged with the general management of teachers' institutes ; he makes appointments of State pupils to the institutions for the instruction of the deaf and dumb and the blind, upon

the certificate of the proper local authorities, and he visits and inquires into the condition and management of these institutions ; is chairman of the committee of the State Normal Schools, and apportions among the counties the number of pupils which each is entitled ; has charge of the Indian schools ; he is, *ex-officio*, a Regent of the University ; compiles the commissioners' abstracts of school districts in the State setting forth their condition and the account of receipts and expenses for each year ; and makes an annual report to the Legislature.

Q. Of what officers is the Canal Board composed ?

A. The Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney General, State Engineer and Surveyor, and Canal Superintendent.

#### SALARIES.

|                                  |          |
|----------------------------------|----------|
| Governor .....                   | \$10,000 |
| Lieutenant Governor.....         | 5,000    |
| Secretary of State.....          | 5,000    |
| Comptroller.....                 | 6,000    |
| Treasurer .....                  | 5,000    |
| State Engineer and Surveyor..... | 5,000    |
| Superintendent of Banking.....   | 5,000    |
| Superintendent of Insurance..... | 7,000    |
| Canal Auditor.....               | 5,000    |

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|                                     |         |
|-------------------------------------|---------|
| Superintendent of Prisons.....      | \$6,000 |
| Superintendent of Public Works..    | 6,000   |
| Canal Appraisers.....               | 5,000   |
| Superintendent of Public Instruc'n, | 5,000   |

Q. Who are the State Canvassers ?

A. Secretary of State, Comptroller, Treasurer, Attorney General and State Engineer and Surveyor.

Q. Who are the Regents at the present time, and when elected.

The Governor, *ex-officio*.

The Lieutenant Governor, *ex-officio*.

The Secretary of State, *ex-officio*.

The Superintendent of Public Instruction, *ex-officio*.

1844. John V. L. Pruyn.....Albany.

1847. Robert G. Rankin.....Newburg.

1855. Erastus C. Benedict.....New York.

1856. George W. Clinton.....Buffalo.

1858. Lorenzo Burrows.....Albion.

1859. Robert S. Hale.....Elizabethtown.

1861. Elias W. Leavenworth....Syracuse.

1861. J. Carson Brevoort.....Brooklyn.

1864. George Wm. Curtis.N. Shore, L. I.

1870. Francis Kernan.....Utica.

1871. John L. Lewis.....Penn Yan

1872. Henry R. Pierson.....Albany.

1873. Martin I. Townsend.....Troy.

1874. Anson J. Upson.....Albany.

1876. John A. Dix.....New York.  
1876. Augustus C. George.....Syracuse.  
1876. James L. Bostwick.....Ithaca.  
1877. Chauncey M. Depew....New York.  
1877. Charles E. Fitch.....Rochester.

OFFICERS OF THE BOARD.

John V. L. Pruyn, Chancellor.  
Erastus C. Benedict, Vice-Chancellor.  
Samuel B. Woolworth, Secretary.  
Daniel J. Pratt, Assistant Secretary.

## IX.—Judiciary.

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A tabular view of the judiciary of the State, commencing with the lowest courts and showing them in their regular order, leaving out such as are established for particular localities.

I. Justice Court.

II. County { 1. County Court.  
2. Sessions.

III. Supreme { 1. Circuit.  
2. Oyer and Terminer.  
3. Special Term.  
4. General Term.

IV. Court of Appeals.

### JUSTICE COURT.

Q. What is the lowest court in the State ?

A. A Justice's Court, held in each town by one of the justices of the Peace.

Q. What jurisdiction has this court ?

A. Original ; that is, suits can be commenced in it, and tried in it.

Q. In a civil action how large a judgment can be obtained ?

A. Not to exceed two hundred dollars.

Q. Can criminal suits be tried in a Justice Court ?

A. Some can be tried in it ; but usually the parties give bail for their appearance at a higher court to await the action of the Grand Jury.

#### COUNTY COURT.

Q. What is the next higher court ?

A. The County Court.

Q. What are the divisions of the County Court ?

A. County Court and Court of Sessions.

Q. For what causes are each designed ?

A. The County Court is for the trial of civil causes, the Sessions for the trial of criminal causes, but not of the higher crimes.

Q. What jurisdiction has the County Court ?

A. Original and Appellate, that is a suit may be commenced in it, or it may be appealed from a lower court.

Q. What jurisdiction has the Court of Sessions ?

A. Original ; no person can be tried in it, who is charged with a crime until he is indicted by a Grand Jury.

Q. Who presides in the County Court ?

A. The County Judge

Q. Who presides in the Court of Sessions ?

A. The County Judge and the two Justices of Sessions.

Q. Can both of the Courts be held during the same term ?

A. They can ; as soon as a cause has been tried in one court the Judge may change to the other, and should it be the Sessions, the Justices of Sessions must be on the bench with the Judge ; should it be the County Court, he alone is the court.

Q. What jury decides causes tried either in the Sessions or County Court ?

A. The Petit Jury, consisting of twelve men.

#### SUPREME COURT.

Q. What is the next higher court ?

A. The Supreme Court.

Q. What are its divisions ?

A. The Circuit, Oyer and Terminer, Special Term and General Term.

Q. For judicial convenience, the State has been divided into districts, and how many ?

A. Into eight judicial districts, numbered from one to eight, inclusive.

Q. What are the officers called in this court?

A. Judges of the Supreme Court.

Q. How many are elected in each district?

A. Five in the first district and four each in the other seven.

Q. How many Supreme Court Judges in the State?

A. Thirty-three.

Q. For how long a term are these judges elected?

A. For fourteen years.

Q. What constitutional provision in regard to eligibilily?

A. They cannot hold the office longer than the last day of December next after they shall be seventy years of age.

Q. What are some of their duties?

A. To preside and try causes in the Circuit, Oyer and Terminer, and also hear appeals in the Special Term, and when appointed judges of the General Term to hear and decide appeals there.

#### SPECIAL TERM.

Q. What is a Special Term?

A. A court held by one of the Supreme

Court Judges in the district simply for hearing and deciding motions and appeals.

GENERAL TERM.

Q. What is a General Term Court; and how many are there in the State?

A. It is a court for hearing appeals, and consists of a single district, or a union of several districts; and there are four in the State, organized by an act of the Legislature.

Q. What is the territory embraced in the jurisdiction of a General Term called?

A. It is usually called a Department, and numbered First, Second, Third and Fourth.

The following table will give a view of Departments, Districts and Counties in the State:

|                        |             |                                                                                                                           |
|------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------|
| I. Dep. consists of {  | I. Dist. {  | City and Co. of N. York.                                                                                                  |
| II. Dep. consists of { | II. Dist. { | Richmond,<br>Kings,<br>Queens,<br>Suffolk,<br>Westchester,<br>Putnam,<br>Dutchess,<br>Orange and<br>Rockland<br>Counties. |

III. Dep. consists of

III. Dist.

Columbia,  
Rensselaer,  
Sullivan,  
Ulster,  
Albany,  
Greene and  
Schoharie  
Counties.

IV. Dist.

Warren,  
Saratoga,  
St. Lawr'nce,  
Washington,  
Essex,  
Franklin,  
Clinton,  
Montgom'ry,  
Hamilton,  
Fulton and  
Schenectady  
Counties.

VI. Dist.

Otsego,  
Delaware,  
Madison,  
Chenango,  
Tompkins,  
Broome,  
Chemung,  
Schuyler,  
Tioga and  
Cortland  
Counties.

|                      |             |                                                                                                                   |
|----------------------|-------------|-------------------------------------------------------------------------------------------------------------------|
| IV. Dep. consists of | V. Dist.    | { Onondaga,<br>Jefferson,<br>Oneida,<br>Oswego,<br>Herkimer<br>and Lewis<br>Counties.                             |
|                      | VII. Dist.  | { Livingston,<br>Ontario,<br>Wayne,<br>Yates,<br>Steuben,<br>Seneca,<br>Cayuga and<br>Monroe<br>Counties.         |
|                      | VIII. Dist. | { Erie,<br>Chautauqua,<br>Cattaraugus,<br>Orleans,<br>Niagara,<br>Genesee,<br>Allegany<br>and Wyom'g<br>Counties. |

Q. How many counties in each of the districts?

A. One county in the First, nine in the second, seven in the Third, eleven in the Fourth, six in the Fifth, ten in the Sixth, eight in the Seventh, eight in the Eighth district.

Q. How many counties in each of the departments?

A. One in the First, nine in the Second, twenty-eight in the Third, and twenty-two in the Fourth.

Q. How many judges constitute the General Term Court, or the court held in and for the department?

A. Three in each Department.

Q. Where do these judges come from?

A. They are appointed by the Governor from the Supreme Court Judges that have been previously elected by the people.

Q. Must these judges be taken from their respective departments?

A. Not necessarily; they may be transferred from another department; as for instance, a judge from Buffalo in the Fourth Department has been transferred to the First Department.

Q. How many Supreme Court Judges are elected in the territory known as the First Department?

A. Five.

Q. How many Supreme Court Judges are elected in the district known as the Second Department?

A. Four.

Q. How many Supreme Court Judges are elected in the districts known as the Third Department?

A. Twelve.

Q. How many Supreme Court Judges are elected in the districts known as the Fourth Department?

A. Twelve.

#### COURT OF APPEALS.

Q. Of what does the Court of Appeals consist?

A. Of seven judges, elected by the electors of the whole State for a term of fourteen years; one of their number is called a Chief Judge, the others are called Associate Judges; they cannot hold the office after they are seventy years old.

Q. What jurisdiction has this court?

A. Appellate.

Q. State how appeals may be taken from one court to another?

A. The party agrieved may appeal from a Justice Court to a County Court; from

County or Supreme Courts to Special Term ; from Special Term to General Term ; from General Term to Court of Appeals.

Q. What may these Courts do ?

A. They may affirm decisions made by lower courts, or reverse decisions, or grant new trials.

#### ILLUSTRATION.

Q. In what court must a person charged with the crime of murder be tried ?

A. In the Oyer and Terminer, or in some court having the same jurisdiction.

Q. What privilege has the prisoner if convicted ?

A. He has the right to appeal to the judge holding a special term, asking for a new trial.

Q. Should this judge refuse to grant it, what further can he do ?

A. Appeal to the General Term.

Q. If the General Term refuse, what then ?

A. It can be taken to the Court of Appeals.

Q. If the Court of Appeals refuses to grant a new trial, what then ?

A. The decision of the Oyer and Terminer must be carried out unless the Governor interferes.

Q. In case the penalty is death and the day for execution has passed, what then ?

A. The prisoner must be re-sentenced by the judge that presided at the trial.

Q. In case either of the Appellate Courts grants a new trial, what is to be done ?

A. The cause will be tried in the same court, or, in one having the same jurisdiction, but before a different jury.

Q. How are civil causes managed on appeal ?

A. In the same way, only that the court may affirm or reverse decisions as well as grant new trials.

## **A few Comparisons between the State and National Governments.**

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Q. Name one similarity between the State and National governments ?

A. Each has three divisions, the Legislative, Executive and Judiciary.

Q. Name a similarity in the Legislative department ?

A. Each has two branches. In the State they are called Assembly and Senate ; in the<sup>e</sup> National government they are called House of Representatives and Senate. The Assembly and House of Representatives each elect their own speaker ; the State Senate is presided over by the Lieutenant Governor. The National Senate is presided over by the Vice-President.

Q. What is the number of members in each at the present time ?

A. In the Assembly there are one hundred and twenty-eight, in the House of Representatives two hundred and ninety-three, in the State Senate thirty-two, in the National Senate seventy-six.

Q. How do their terms of office compare?

A. The members of the Assembly are elected for one year, of the House of Representatives for two years, of the State Senate for two years, of the National Senate for six years.

#### JUDICIARY.

Q. In what respect are the State Courts and National Courts similar?

A. Each has a Supreme and Circuit court.

Q. What are the names applied to United States Courts?

A. The Constitution of the United States calls them Inferior Courts, and one Supreme Court.

#### A TABULAR VIEW OF UNITED STATES COURTS.

I. Inferior { 1. District Courts.  
2. Circuit Courts.

II. Supreme.

Q. How many District Courts are there at present?

A. Sixty-five; fifty-six of them being in the States, and nine of them in the Territories.

Q. What is the largest number of districts into which any State is divided?

A. Three ; Alabama, New York and Tennessee have three districts each ; Ark., Fla., Ill., Mich., Miss., Mo., N. C., Ohio, Penn., Texas, Va. and Wis. have two districts each, and the remaining States and Territories one each.

Q. What officers in the District Court ?

A. One District Judge, a District Attorney, Assistant District Attorneys, a Marshal, a Clerk, and a large number of Deputy Marshals ; and also Registers in Bankruptcy.

Q. What jurisdiction has a District Court ?

A. Original jurisdiction.

Q. What are the salaries of the District Judges ?

A. Four thousand dollars each.

Q. What does the territory of several districts constitute ?

A. A Circuit.

Q. How many Circuits sre there ?

A. Nine, each presided over by a Circuit Judge ; and their names are as follows :

1. Circuit-consisting of Maine, N. H., Mass., R. I. George F. Shepley, Judge.

2. Circuit consisting of Conn, Vt. and N. Y. Alexander S. Johnson, Judge.

3. Circuit consisting of Penn., N. J. and Del. Wm. McKennan, Judge.

4. Circuit consisting of N. C., S. C., Md. and Va. Hugh L. Bond, Judge.

5. Circuit consisting of Miss., La., Ala., Fla., Ga. and Texas. William B. Woods, Judge.

6. Circuit consisting of Ohio, Mich., Ky., Tenn. and W. Va. Halmer H. Emmons, Judge.

7. Circuit consisting of Ind., Ill. and Wis. Thomas Drummond, Judge.

8. Circuit consisting of Min., Iowa, Mo., Ark, Kan., and Nebraska. John F. Dillon, Judge.

9. Circuit consisting of Cal., Oregon, Nevada and Colorado. Lorenzo Sawyer, Judge.

Q. What jurisdiction has the Circuit Court?

A. Original.

#### SUPREME COURT.

Q. What territory is embraced in the jurisdiction of the Supreme Court?

A. The whole of the United States.

Q. How many judges constitute the Supreme Court?

A. Nine; corresponding with the number of the Circuits.

Q. What are the names of the Supreme Court Judges?

## CHIEF JUSTICE.

Morrison R. Waite.....appointed 1874

## ASSOCIATE JUSTICES.

Nathan Clifford.....appointed 1858

Noah H. Swayne.....“ 1862

David Davis.....“ 1862

Samuel F. Miller.....“ 1862

Stephen J. Field.....“ 1863

William Strong.....“ 1870

Joseph P. Bradley.....“ 1870

Ward Hunt.....“ 1872

Q. When does the Supreme Court meet?

A. The first Monday in December, at Washington.

Q. What is its jurisdiction?

A. Principally Appellate; it has Original jurisdiction in a few cases, as mentioned in Constitution.

Q. By whom are all these judges appointed?

A. By the President and Senate.

Q. What is the salary of the Supreme Court Judges?

A. The Chief Justice receives ten thousand five hundred dollars. Associates receive ten thousand dollars.

Q. For how long a term are all these judges appointed?

A. They hold the office for life, or during good behavior, or until they resign.

# A Tabular View of Presidential Vote from 1789 to 1876.

| Inaug-<br>ted | CANDIDATES.                            | Party   | Popular Vote.                 | Elec-<br>tors |
|---------------|----------------------------------------|---------|-------------------------------|---------------|
| 1789          | George Washington...                   | ...     | Elec. chosen by L. gis.       | Unanim's      |
| 1797          | John Adams. ....                       | Fed.    | " " "                         | 71            |
|               | Thomas Jefferson.....                  | Dem.    | " " "                         | 69            |
| 1801          | Thomas Jefferson.....                  | Dem.    | Eln. went to H. of R.         | 73            |
|               | Aaron Burr. ....                       | Dem.    | and Jefferson was             | 73            |
|               | John Adams.....                        | Fed.    | elec'd on 36th bal.           | 65            |
| 1805          | Thomas Jefferson. ..                   | Dem.    | Elec. chosen by Legis.        | 148           |
|               | C. C. Pinckney.....                    | Fed.    | " " "                         | 28            |
| 1809          | James Madison.....                     | Dem.    | " " "                         | 122           |
|               | C. C. Pinckney. ....                   | Fed.    | " " "                         | 47            |
| 1813          | James Madison.....                     | Dem.    | " " "                         | 128           |
|               | DeWitt Clinton.....                    | Fed.    | " " "                         | 89            |
| 1817          | James Monroe ....                      | Dem.    | " " "                         | 183           |
|               | Rufus King .....                       | Fed.    | " " "                         | 34            |
| 1821          | James Monroe.....                      | Dem.    | But 1 el. vote in op.         |               |
| 1825          | J. Q. Adams.....                       | Fed.    | 105,321. Elec. by<br>H. of R. | 84            |
|               | Andrew Jackson.....                    | Dem.    | 155,872                       | 99            |
|               | W. H. Crawford ....                    | Dem.    | 44,232                        | 41            |
|               | Henry Clay .....                       | Whig    | 46,587                        | 37            |
| 1829          | Andrew Jackson. ...                    | Dem.    | 647,231                       | 178           |
|               | J. Q. Adams. ....                      | Fed.    | 509,097                       | 83            |
| 1833          | Andrew Jackson.....                    | Dem.    | 687,502                       | 219           |
|               | Henry Clay .....                       | Whig    | 530,189                       | 49            |
|               | John Floyd .....                       | Whig    | Not known.                    | 11            |
|               | William West. ....                     | Whig    | " "                           | 7             |
| 1837          | Martin Van Buren. ...                  | Dem.    | 761,549                       | 170           |
|               | William H. Harrison..                  | Whig    | 736,656                       | 121           |
| 1841          | William H. Harrison..                  | Whig    | 1,275,011                     | 234           |
|               | Martin Van Buren.....                  | Dem.    | 1,135,761                     | 60            |
| 1845          | James K. Polk. ....                    | Dem.    | 1,337,243                     | 170           |
|               | Henry Clay .....                       | Whig    | 1,361,362                     | 105           |
| 1849          | Zachary Taylor. ....                   | Whig    | 1,360,099                     | 163           |
|               | Lewis Cass .....                       | Dem.    | 1,220,544                     | 127           |
|               | Martin Van Buren.....                  | Dem.    | 291,263                       |               |
| 1853          | Franklin Pierce.....                   | Dem.    | 1,601,474                     | 254           |
|               | Winfield Scott & others                | Whig    | 1,542,403                     | 42            |
| 1857          | James Buchanan.....                    | Dem.    | 1,838,169                     | 174           |
|               | John C. Fremont and<br>others .....    | Rep.    | 2,215,798                     | 122           |
| 1861          | Abraham Lincoln ...                    | Rep.    | 1,866,352                     | 180           |
|               | J. C. Breckenridge and<br>others. .... | Dem.    | 2,810,501                     | 123           |
| 1865          | Abraham Lincoln.....                   | Rep.    | 2,216,067                     | 213           |
|               | Geo. B. McClellan.....                 | Dem.    | 1,808,725                     | 21            |
| 1869          | Ulysses S. Grant.....                  | Rep.    | 3,015,071                     | 214           |
|               | Horatio Seymour.....                   | Dem.    | 2,709,613                     | 80            |
| 1873          | Ulysses S. Grant.....                  | Rep.    | 3,597,010                     | 300           |
|               | Horace Greeley.....                    | L. & D. | 2,834,079                     | 66            |
| 1877          | Rutherford B. Hayes..                  | Rep.    | 4,049,096                     | 185           |
|               | Samuel J. Tilden.....                  | Dem.    | 4,315,801                     | 184           |
| 83]           | Peter Cooper.....                      | G'b'k   | 81,907                        |               |

Q. How many Presidents have been elected by the House of Representatives?

A. Two: Thomas Jefferson at his first election and John Q. Adams.

Q. What was the trouble about the Presidential election of 1876?

A. Both parties claimed to have carried the States of Fla., La. and S. Carolina; and counting them for one party gave that party a majority, and counting either one of the States for the other party, gave it a majority.

Q. Were the votes counted and the election declared according to the Constitution and former usages?

A. They were not; Congress passed a law authorizing a commission of fifteen members, five of them to be appointed from the Senate, five of them from the House of Representatives, and five from the Supreme Court of the United States. Said commission reported and their action was ratified.

# APPENDIX.

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THE

CONSTITUTION OF THE STATE OF NEW YORK.

Adopted November 3, 1846.

AS AMENDED AND IN FORCE JANUARY 1, 1877.

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PREPARED FROM ORIGINALS IN OFFICE OF SECRETARY OF STATE.



THE  
CONSTITUTION OF THE STATE OF NEW YORK.

Adopted November 3, 1846.

AS AMENDED AND IN FORCE JANUARY 1, 1877.

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ARTICLE I.

SECTION 1. No person to be disfranchised.

SEC. 2. Trial by Jury.

SEC. 3. Religious liberty.

SEC. 4. Writ of *habeas corpus*.

SEC. 5. Bail, fines.

SEC. 6. Grand Jury.

SEC. 7. Private property — Private roads.

SEC. 8. Freedom of speech and of the press.

SEC. 9. Two-third bills.

SEC. 10. Right of petition — Divorces — Lotteries.

SEC. 11. Right of property in lands — Escheats.

SEC. 12. Feudal tenures abolished.

SEC. 13. Allodial tenure.

SEC. 14. Certain leases invalid.

SEC. 15. Fines and quarter sales abolished.

SEC. 16. Sale of lands.

SEC. 17. Old colony laws and acts of the legislature — Common law — Commissioners to be appointed — their duties.

SEC. 18. Grants of land since 1775 — Prior grants.

ARTICLE II.

SECTION 1. Qualification of voters.

SEC. 2. Persons excluded from right of suffrage — Challenge — Laws to be passed excluding from right of suffrage.

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SEC. 3. Certain employments not to affect residence of voters.

SEC. 4. Laws to be passed.

SEC. 5. Election to be by ballot.

### ARTICLE III.

SECTION 1. Legislative powers.

SEC. 2. Senate, number of — Assembly, number of.

SEC. 3. State divided into thirty-two senatorial districts — boundaries thereof — Board of supervisors of the city of New York to divide the county into four senate districts — Certificate, etc., to be filed.

SEC. 4. Census to be taken in 1855, and every ten years — Senate districts, how altered.

SEC. 5. Members of Assembly, number of, and how apportioned and chosen — Boards of supervisors in certain counties and board of aldermen in New York city to divide the same into Assembly districts — Description of Assembly districts to be filed — Contents of Assembly districts — Legislature to re-apportion members of Assembly — Each county entitled to one member — Hamilton county — Counties and towns may be divided and new ones erected.

SEC. 6. Pay of members.

SEC. 7. No member to receive an appointment.

SEC. 8. Persons disqualified from being members.

SEC. 9. Time of election fixed.

SEC. 10. Powers of each house.

SEC. 11. Journals to be kept.

SEC. 12. No member to be questioned, etc.

SEC. 13. Bills may originate in either house.

SEC. 14. Enacting clause of bills.

SEC. 15. Assent of a majority of all the members required, etc.

SEC. 16. Restriction as to private and local bills.

SEC. 17. Existing law not to be made a part of an act except by inserting it therein.

SEC. 18. Private and local bills, in what cases they may not

be passed—General laws to be passed—Street railroads, condition upon which they may be authorized.

SEC. 19. The legislature not to audit or allow any private claim.

SEC. 20. Bill imposing a tax, manner of passing.

SEC. 21. Same subject.

SEC. 22. Board of supervisors.

SEC. 23. Local legislative powers conferred on boards of supervisors.

SEC. 24. No extra compensation to be granted to a public officer, servant, agent or contractor.

SEC. 25. Sections seventeen and eighteen not to apply to certain bills.

#### ARTICLE IV.

SECTION 1. Executive power, how vested.

SEC. 2. Requisite qualifications of Governor.

SEC. 3. Time and manner of electing Governor and Lieutenant-Governor.

SEC. 4. Duties and power of Governor—His compensation.

SEC. 5. Pardoning power vested in the Governor.

SEC. 6. Powers of Governor to devolve on Lieutenant-Governor.

SEC. 7. Requisite qualifications of Lieutenant-Governor—To be President of the Senate, and to act as Governor in certain cases.

SEC. 8. Compensation of Lieutenant-Governor.

SEC. 9. Bills to be presented to the Governor for signature—If returned by him with objections, how disposed of—Bills to be returned within ten days—After adjournment, bills must be approved in thirty days, else cannot become law—Governor may object to items of appropriation in any bill.

#### ARTICLE V.

SECTION 1. State officers, how elected and terms of office.

SEC. 2. State Engineer and Surveyor, how chosen and term of office.

SEC. 3. Superintendent of Public Works, powers and duties.

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SEC. 4. Superintendent of Prisons, powers and duties of.

SEC. 5. Commissioners of the Land Office — Commissioners of the Canal Fund — Canal Board.

SEC. 6. Powers and duties of Boards, etc.

SEC. 7. Treasurer may be suspended by Governor.

SEC. 8. Certain offices abolished.

### ARTICLE VI.

SECTION 1. Impeachment — Assembly has power of — Effect of judgment.

SEC. 2. Court of Appeals — Judges how chosen — Appointment of clerk.

SEC. 3. Vacancies in office of judge of Court of Appeals; how filled.

SEC. 4. Causes pending in Court of Appeals to be referred to Commissioners of Appeals.

SEC. 5. Commissioners of Appeals — Vacancies how filled — Chief Commissioner to be appointed.

SEC. 6. Supreme Court — Jurisdiction — Justices — Judicial Districts, number of justices in; may be altered without increasing number.

SEC. 7. Terms of Supreme Court.

SEC. 8. Judge or Justice may not sit in review of decisions made by him, etc.

SEC. 9. Vacancy in office of Justice of Supreme Court, how filled.

SEC. 10. Judges of Court of Appeals, or Justices of Supreme Court, to hold no other office.

SEC. 11. Removals — Proceedings in relation to.

SEC. 12. City Courts.

SEC. 13. Justice of Supreme Court or Judges of City Courts, how chosen — Term of office — Restriction as to age.

SEC. 14. Compensation of Judges or Justices — Not to be diminished during term of office.

SEC. 15. County Courts.

SEC. 16. Local judicial officers.

SEC. 17. Judge of Court of Appeals, or Justice of Supreme

Court, election or appointment of — Question to be submitted to people.

SEC. 18. Justices of the Peace.

SEC. 19. Inferior local courts.

SEC. 20. Clerks of Supreme Court and Court of Appeals.

SEC. 21. No judicial officer, except Justice of the Peace, to receive fees.

SEC. 22. Judgments, etc., may be ordered directly to Court of Appeals for review.

SEC. 23. Publication of Statutes to be provided for — To be free to all.

SEC. 24. Judges, first election of — When to enter upon duties.

SEC. 25. Local judicial officers — Term of office of present incumbents.

SEC. 26. Courts of Special Sessions.

SEC. 27. Surrogates' Courts.

SEC. 28. Court of Appeals may order causes to be heard by Commission of Appeals.

## ARTICLE VII.

SECTION 1. Canal debt — Sinking Fund — June 1, 1846, \$1,300,000 — June 1, 1855, \$1,700,000.

SEC. 2. General Fund Debt — Sinking Fund, \$350,000; after certain period, \$1,500,000.

SEC. 3. \$200,000 of the surplus canal revenues annually appropriated to General Fund, and the remainder to specific public works — Certain deficiencies in the revenues not exceeding \$250,000, annually to be supplied from the revenues of the canals — Contractors, no extra compensation to be made to.

SEC. 4. Loans to incorporated companies not to be released or compromised.

SEC. 5. Legislature shall, by equitable taxes, increase the revenues of the Sinking Fund in certain cases.

SEC. 6. Certain Canals of the State not to be leased or sold — Expenditures, for collections and repairs, limited — Funds from leases or sale, how applied.

SEC. 7. Salt springs.

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**SEC. 8. Appropriation bills.**

**SEC. 9. State credit not to be loaned.**

**SEC. 10. Power to contract debts limited.**

**SEC. 11. Debts to repel invasion, etc., may be contracted.**

**SEC. 12. Limitation of the legislative power in the creation of debts.**

**SEC. 13. Sinking funds to be separately kept and safely invested.**

**SEC. 14. Claims barred by lapse of time—Limitation of existing claims.**

### **ARTICLE VIII.**

**SECTION 1. Corporations, how created.**

**SEC. 2. Debts of corporations.**

**SEC. 3. "Corporations" defined.**

**SEC. 4. Charters for savings banks and banking purposes.**

**SEC. 5. Specie payments.**

**SEC. 6. Registry of bills or notes.**

**SEC. 7. Individual responsibility of stockholders.**

**SEC. 8. Insolvency of banks, preference.**

**SEC. 9. Legislature to provide for the incorporation of cities and villages, and to define powers thereof in certain cases.**

**SEC. 10. The credit or money of the State not to be given or loaned.**

**SEC. 11. Counties, cities, towns and villages not to give money or property or loan their money or credit—Their power to contract debts limited.**

### **ARTICLE IX.**

**SECTION 1. Common School, Literature and United States Deposit Funds.**

### **ARTICLE X.**

**SECTION 1. Sheriffs, Clerks of counties, Register and Clerk of New York, Coroners and District Attorneys—Governor may remove.**

**SEC. 2. Officers, how chosen or appointed.**

**SEC. 3. Duration of office.**

**SEC. 4. Time of election.**

SEC. 5. Vacancies in office, how filled.

SEC. 6. Political year.

SEC. 7. Removal from office.

SEC. 8. When office deemed vacant.

SEC. 9. Compensation of certain officers.

# ARTICLE XI.

SECTION 1. Militia.

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SEC. 3. Officers to be appointed by Governor and Senate — Commissary-General.

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WE THE PEOPLE of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, DO ESTABLISH THIS CONSTITUTION.

### ARTICLE I.

SECTION 1. No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizens thereof, unless by the law of the land, or the judgment of his peers.

SEC. 2. The trial by jury in all cases in which it has been heretofore used, shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

SEC. 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all man-

kind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 4. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 5. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

SEC. 6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service; and the land and naval forces in time of war, or which this State may keep, with the consent of Congress in time of peace; and in cases of petit larceny, under the regulation of the Legislature,) unless on presentment or indictment of a grand jury; and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.

SEC. 7. When private property shall be taken for any public use the compensation to be made therefor, when such compensation is not made by the State, shall be

ascertained by a jury or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited.

SEC. 8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 9. The assent of two-thirds of the members elected to each branch of the Legislature, shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

SEC. 10. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof, nor shall any divorce be granted, otherwise than by due judicial proceedings; nor shall any lottery hereafter be authorized or any sale of lottery tickets allowed within this State.

SEC. 11. The people of this State, in their right of sovereignty are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State: and all lands the title to which shall fail, from a defect of heirs, shall revert, or escheat to the people.

SEC. 12. All feudal tenures of every description, with all their incidents are declared to be abolished, saving however all rents and services certain which at any time heretofore have been lawfully created or reserved.

SEC. 13. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

SEC. 14. No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

SEC. 15. All fines, quarter sales, or other like restraints upon alienation reserved in any grant of land, hereafter to be made, shall be void.

SEC. 16. No purchase or contract for the sale of lands in this State made since the fourteenth day of October, one thousand seven hundred and seventy-five; or which may hereafter be made, of, or with the Indians, shall be valid, unless made under the authority, and with the consent of the Legislature.

SEC. 17. Such parts of the common law, and of the acts of the Legislature of the Colony of New York, as together did form the law of the said Colony, on the nineteenth day of April, one thousand seven hundred

and seventy-five, and the resolutions of the Congress of the said Colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated; and the Legislature, at its first session after the adoption of this Constitution, shall appoint three commissioners, whose duty it shall be to reduce into a written and systematic code the whole body of the law of this State, or so much and such parts thereof as to the said commissioners shall seem practicable and expedient. And the said commissioners shall specify such alterations and amendments therein as they shall deem proper, and they shall at all times make reports of their proceedings to the Legislature, when called upon to do so; and the Legislature shall pass laws regulating the tenure of office, the filling of vacancies therein, and the compensation of the said commissioners, and shall also provide for the publication of the said code, prior to its being presented to the Legislature for adoption.

SEC. 18. All grants of land within this State, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this constitution shall

affect any grants of land within this State, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this State, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the State, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

## ARTICLE II.

\* SECTION 1. Every male citizen of the age of twenty-one years who shall have been a citizen for ten days and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of

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\* As amended by vote of the people, Nov. 3, 1874.

their votes in the election districts in which they respectively reside.

\* SEC. 2. No person who shall receive, expect or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The Legislature, at the session thereof next after the adoption of this section, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

SEC. 3. For the purpose of voting, no person shall be

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\* As amended by vote of the people, Nov. 3, 1874.

deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States ; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas ; nor while a student of any seminary of learning ; nor while kept at any alms-house, or other asylum, at public expense ; nor while confined in any public prison.

SEC. 4. Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 5. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

### ARTICLE III.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly.

SEC. 2. The Senate shall consist of thirty-two members, and the Senators shall be chosen for two years. The Assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

SEC. 3. The State shall be divided into thirty-two districts, to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to thirty-two inclusive.\*

District number One (1) shall consist of the counties of Suffolk, Richmond and Queens.

District number Two (2) shall consist of the county of Kings.

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\* For existing Senate districts, see chapter 805, Laws of 1866

District number Three (3), number Four (4), number Five (5), and number Six (6) shall consist of the city and county of New York. And the board of supervisors of said city and county shall, on or before the first day of May, one thousand eight hundred and forty-seven, divide the said city and county into the number of Senate districts, to which it is entitled, as near as may be of an equal number of inhabitants, excluding aliens and persons of color not taxed, and consisting of convenient and contiguous territory; and no Assembly district shall be divided in the formation of a Senate district. The board of supervisors, when they shall have completed such division, shall cause certificates thereof, stating the number and boundaries of each district and the population thereof, to be filed in the office of the Secretary of State, and of the clerk of said city and county.

District number Seven (7) shall consist of the counties of Westchester, Putnam and Rockland.

District number Eight (8) shall consist of the counties of Dutchess and Columbia.

District number Nine (9) shall consist of the counties of Orange and Sullivan.

District number Ten (10) shall consist of the counties of Ulster and Greene.

District number Eleven (11) shall consist of the counties of Albany and Schenectady.

District number Twelve (12) shall consist of the county of Rensselaer.

District number Thirteen (13) shall consist of the counties of Washington and Saratoga.

District number Fourteen (14) shall consist of the counties of Warren, Essex and Clinton.

District number Fifteen (15) shall consist of the counties of St. Lawrence and Franklin.

District number Sixteen (16) shall consist of the counties of Herkimer, Hamilton, Fulton and Montgomery.

District number Seventeen (17) shall consist of the counties of Schoharie and Delaware.

District number Eighteen (18) shall consist of the counties of Otsego and Chenango.

District number Nineteen (19) shall consist of the county of Oneida.

District number Twenty (20) shall consist of the counties of Madison and Oswego.

District number Twenty-one (21) shall consist of the counties of Jefferson and Lewis.

District number Twenty-two (22) shall consist of the county of Onondaga.

District number Twenty-three (23) shall consist of the counties of Cortland, Broome and Tioga.

District number Twenty-four (24) shall consist of the counties of Cayuga and Wayne.

District number Twenty-five (25) shall consist of the counties of Tompkins, Seneca and Yates.

District number Twenty-six (26) shall consist of the counties of Steuben and Chemung.

District number Twenty-seven (27) shall consist of the county of Monroe.

District number Twenty-eight (28) shall consist of the counties of Orleans, Genesee and Niagara.

District number Twenty-nine (29) shall consist of the counties of Ontario and Livingston.

District number Thirty (30) shall consist of the counties of Allegany and Wyoming.

District number Thirty-one (31) shall consist of the county of Erie.

District number Thirty-two (32) shall consist of the counties of Chautauqua and Cattaraugus.

SEC. 4. An enumeration of the inhabitants of the State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the Legislature, at the first session after the return of every enumeration, that each Senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, and persons of color not taxed; and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, except such county shall be equitably entitled to two or more senators.

\*SEC. 5. The Assembly shall consist of one hundred and twenty-eight members, elected for one year. The Members of Assembly shall be apportioned among the several counties of the State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and shall be chosen by single districts.† The Assembly districts shall remain as at present organized, until after the enumeration of

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\* As amended by vote of the people, November 3, 1874.

† For existing Assembly Districts, see chapter 607, Laws of 1866.

the inhabitants of the State, in the year eighteen hundred and seventy-five. The Legislature, at its first session after the return of every enumeration, shall apportion the Members of Assembly among the several counties of the State, in manner aforesaid, and the board of supervisors in such counties as may be entitled under such apportionment, to more than one member, except the city and county of New York, and in said city and county the board of aldermen of said city shall assemble at such time as the Legislature making such apportionment shall prescribe, and divide their respective counties into Assembly districts, each of which districts shall consist of convenient and contiguous territory, equal to the number of members of Assembly to which such counties shall be entitled, and shall cause to be filed in the offices of the Secretary of State and the clerks of their respective counties a description of such districts, specifying the number of each district and the population thereof, according to the last preceding enumeration as near as can be ascertained, and the apportionment and districts shall remain unaltered until another enumeration shall be made as herein provided. No town shall be divided in the formation of Assembly districts. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of the Assembly, and no new county shall be hereafter erected, unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member. But the Legislature may abolish the said county of Hamilton, and annex the territory

thereof to some other county or counties. Nothing in this section shall prevent division at any time of counties and towns, and the erection of new towns and counties by the Legislature.

\* SEC. 6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

\* SEC. 7. No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

\* SEC. 8. No person shall be eligible to the Legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government; and if any person shall, after his election as a member of the Leg-

islature, be elected to Congress, or appointed to any office civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

SEC. 9. The elections of Senators and Members of Assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the Legislature.

SEC. 10. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifications of its own members, shall choose its own officers; and the Senate shall choose a temporary president, when the Lieutenant-Governor shall not attend as president, or shall act as Governor.

SEC. 11. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

SEC. 12. For any speech or debate in either house of the Legislature, the members shall not be questioned in any other place.

SEC. 13. Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended by the other.

SEC. 14. The enacting clause of all bills shall be  
'The People of the State of New York, represented in

Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

SEC. 15. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the Legislature, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

SEC. 16. No private or local bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

\* SEC. 17. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

SEC. 18. The Legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

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\* Sections 17 to 25, both inclusive, added by vote of the people Nov. 3, 1874.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the general term of the supreme court, in the district in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or ope

rated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

SEC. 19. The Legislature shall neither audit nor allow any private claim or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

SEC. 20. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

SEC. 21. On the final passage, in either house of the Legislature, of any act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

SEC. 22. There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors, to be composed of such members, and elected in such manner, and for such period, as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the common council or board of aldermen thereof.

SEC. 23. The Legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the State such further powers of local legisla

tion and administration as the legislature may from time to time deem expedient.

SEC. 24. The Legislature shall not, nor shall the common council of any city nor any board of supervisors, grant any extra compensation to any public officer, servant, agent or contractor.

SEC. 25. Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the Legislature by Commissioners who have been appointed pursuant to law to revise the Statutes.

#### ARTICLE IV.

\*SECTION 1. The executive power shall be vested in a Governor, who shall hold his office for three years; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant-Governor elected next preceding the time when this section shall take effect shall hold office during the term for which they were elected.

\* SEC. 2. No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years, next preceding his election, a resident of this State.

SEC. 3. The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor, shall be elected; but in case two or

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\*As amended by vote of the people, Nov. 3, 1874.

more shall have an equal and the highest number of votes for Governor, or for Lieutenant Governor the two houses of the Legislature, at its next annual session, shall, forthwith, by joint-ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

\*SEC. 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature (or the Senate only) on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

SEC. 5. The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulation as may be provided by law relative to the manner of applying for pardons. Upon conviction for

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\*As amended by vote of the people, Nov. 3, 1874.

treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted ; stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

SEC. 6. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the State.

SEC. 7. The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein. If during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the president of the Senate shall act as Governor until the vacancy be filled, or the disability shall cease.

\* SEC. 8. The Lieutenant-Governor shall receive for his services an annual salary of five thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite for any duty or service he may be required to perform by the Constitution or by law.

\*SEC. 9. Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment.

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\*As amended by vote of the people, November 3, 1874.

If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

## ARTICLE V.

SECTION 1. The Secretary of State, Comptroller, Treasurer and Attorney-General shall be chosen at a general election, and shall hold their offices for two years. Each of the officers in this article named (except the Speaker of the Assembly) shall, at stated times during his continuance in office, receive for his services, a compensation, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive, to his use, any fees or perquisites of office, or other compensation.

SEC. 2. A State Engineer and Surveyor shall be chosen at a general election, and shall hold his office two years,

but no person shall be elected to said office who is not a practical engineer.

\* SEC. 3. A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall

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\* As amended by vote of the people, Nov. 7, 1876.

receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The office of Canal Commissioner is abolished from and after the appointment and qualification of the Superintendent of Public Works, until which time the Canal Commissioners shall continue to discharge their duties as now provided by law. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners, and board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate.

\* SEC. 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the Inspectors of State Prisons; and from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall be and hereby is abolished. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.

SEC. 5. The Lieutenant-Governor, Speaker of the Assembly, Secretary of State, Comptroller, Treasurer, Attorney-General, and State Engineer and Surveyor,

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\* As amended by vote of the people, Nov. 7, 1876.

shall be the Commissioners of the Land Office. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, and Attorney-General, shall be the Commissioners of the Canal Fund. The Canal Board shall consist of the Commissioners of the Canal Fund, the State Engineer and Surveyor, and the Canal Commissioners.

SEC. 6. The powers and duties of the respective Boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

SEC. 7. The Treasurer may be suspended from office by the Governor, during the recess of the Legislature, and until thirty days after the commencement of the next session of the Legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office, during such suspension of the Treasurer.

SEC. 8. All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished, and no such office shall hereafter be created by law; but nothing in this section contained, shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls, or purchases or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

## ARTICLE VI.

[Article 6 of the Constitution (except section 28) was framed by delegates elected April 23, 1867, under chapter 194, Laws of 1867, to a Constitutional Convention (convened pursuant to section 2 of article 13 of the Constitution, by vote of the people at the general election held November 6, 1866), which Convention met in the city of Albany, June 4, 1867, and adjourned February 28, 1868.

Article 6 (except section 28) was submitted separately to the people, pursuant to chapter 318, Laws of 1869, at the general election held November 2, 1869, and declared ratified and adopted by the Board of State Canvassers, by certificate of determination, dated December 6, 1869, the official vote thereon, as declared, standing, "for the amended judiciary article," 247,240 votes, and "against the amended judiciary article," 240,442 votes.]

SECTION 1. The Assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The court for the trial of impeachments shall be composed of the President of the Senate, the Senators, or a major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment, according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust, or profit

under this State; but the party impeached shall be liable to indictment and punishment according to law.

SEC. 2. There shall be a Court of Appeals, composed of a Chief Judge and six associate Judges, who shall be chosen by the electors of the State, and shall hold their office for the term of fourteen years from and including the first day of January next after their election. At the first election of judges, under this Constitution, every elector may vote for the Chief and only four of the associate Judges. Any five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have the appointment, with the power of removal, of its reporter and clerk, and of such attendants as may be necessary.

SEC. 3. When a vacancy shall occur, otherwise than by expiration of term, in the office of Chief or Associate Judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not, the Governor alone, may appoint to fill such vacancy. If any such appointment of Chief Judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed Chief Judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as Chief Judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to consti-

tute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

SEC. 4. Upon the organization of the Court of Appeals, under this article, the causes then pending in the present Court of Appeals shall become vested in the Court of Appeals hereby established. Such of said causes as are pending on the first day of January, eighteen hundred and sixty-nine, shall be heard and determined by a Commission, to be composed of five Commissioners of Appeals, four of whom shall be necessary to constitute a quorum; but the Court of Appeals hereby established may order any of said causes to be heard therein. Such Commission shall be composed of the Judges of the present Court of Appeals, elected or appointed thereto, and a fifth Commissioner who shall be appointed by the Governor by and with the advice and consent of the Senate; or, if the Senate be not in session, by the Governor; but in such case, the appointment shall expire at the end of the next session.

SEC. 5. If any vacancy shall occur in the office of the said Commissioners, it shall be filled by appointment by the Governor by and with the advice and consent of the Senate; or if the Senate is not in session, by the Governor; but in such case, the appointment shall expire at the end of the next session. The Commissioners shall appoint, from their number, a Chief Commissioner; and may appoint and remove such attendants as may be necessary. The reporter of the Court of Appeals shall be the reporter of said Commission. The decisions of the Commission shall be certified to, and entered and

enforced, as the judgments of the Court of Appeals. The Commission shall continue until the causes committed to it are determined, but not exceeding three years; and all causes then undetermined shall be heard by the Court of Appeals.

SEC. 6. There shall be the existing Supreme Court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law; and it shall be composed of the justices now in office, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State are continued until changed pursuant to this section.\* Five of the justices shall reside in the district in which is the city of New York, and four in each of the other districts. The Legislature may alter the districts, without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

SEC. 7. At the first session of the Legislature, after the adoption of this article, and from time to time thereafter as may be necessary, but not oftener than once in five years, provisions shall be made for organizing, in the Supreme Court, not more than four general terms thereof, each to be composed of a presiding justice, and not more than three other justices, who shall be designated, according to law, from the whole number of justices. Each presiding justice shall continue to act as such during his term of office. Provision shall be made

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\* See chapter 241, Laws of 1847, and chapter 485, Laws of 1857, for existing Judicial Districts.

by law for holding the general terms in each judicial district. Any justice of the Supreme Court may hold special terms and Circuit Courts, and may preside in Courts of Oyer and Terminer, in any county.

SEC. 8. No judge or justice shall sit, at a general term of any court, or in the Court of Appeals, in review of a decision made by him, or by any court of which he was at the time, a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and equity that they have heretofore exercised.

SEC. 9. When a vacancy shall occur, otherwise than by expiration of term, in the office of Justice of the Supreme Court, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until any vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session, the Governor may appoint to fill such vacancy. Any such appointment shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

SEC. 10. The Judges of the Court of Appeals, and the Justices of the Supreme Court, shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the Legislature or the people, shall be void.

SEC. 11. Judges of the Court of Appeals, and Justices of the Supreme Court, may be removed

by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All judicial officers, except those mentioned in this section, and except Justices of the Peace and Judges and Justices of inferior courts not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no removal shall be made, by virtue of this section, unless the cause thereof be entered on the journals, nor unless the party complained of shall have been served with a copy of the charges against him, and shall have had an opportunity of being heard. On the question of removal, the yeas and nays shall be entered on the journal.

SEC. 12. The Superior Court of the city of New York, the Court of Common Pleas for the city and county of New York, the Superior Court of Buffalo, and the City Court of Brooklyn, are continued with the powers and jurisdiction they now severally have, and such further civil and criminal jurisdiction as may be conferred by law. The Superior Court of New York shall be composed of the six judges in office at the adoption of this article, and their successors; the Court of Common Pleas of New York, of the three judges then in office, and their successors, and three additional judges; the Superior Court of Buffalo, of the judges now in office and their successors; and the City Court of Brooklyn, of such number of judges, not exceeding three, as may be provided by law. The Judges of said Courts, in office at the adoption of this article, are continued until

the expiration of their terms. A Chief Judge shall be appointed by the judges of each of said courts, from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the Supreme Court. The Legislature may provide for detailing judges of the Superior Court and Court of Common Pleas of New York, to hold circuits or special terms of the Supreme Court in that city, as the public interest may require.

SEC. 13. Justices of the Supreme Court shall be chosen by the electors of their respective judicial districts. Judges of all the courts mentioned in the last preceding section shall be chosen by the electors of the cities respectively in which the said courts are instituted. The official terms of the said justices and judges who shall be elected after the adoption of this article shall be fourteen years from and including the first day of January next after their election. But no person shall hold the office of justice or judge of any court longer than until and including the last day of December next after he shall be seventy years of age.

SEC. 14. The judges and justices hereinbefore mentioned shall receive for their services a compensation to be established by law, which shall not be diminished during their official terms. Except the Judges of the Court of Appeals and the Justices of the Supreme Court, they shall be paid, and the expenses of their courts defrayed, by the cities or counties in which such courts are instituted, as shall be provided by law.

SEC. 15. The existing county courts are continued, and the judges thereof in office at the adoption of this article, shall hold their offices until the expiration of their respective terms. Their successors shall be chosen by the electors of the counties, for the term of six years. The County Courts shall have the powers and jurisdiction they now possess, until altered by the legislature. They shall also have original jurisdiction in all cases where the defendants reside in the county and in which the damages claimed shall not exceed one thousand dollars; and also such appellate jurisdiction as shall be provided by law, subject, however, to such provision as shall be made by law for the removal of causes into the Supreme Court. They shall also have such other original jurisdiction as shall, from time to time, be conferred upon them by the Legislature. The county Judge, with two Justices of the Peace, to be designated according to law, may hold Courts of Sessions, with such criminal jurisdiction as the Legislature shall prescribe, and he shall perform such other duties as may be required by law. His salary, and the salary of the Surrogate when elected as a separate officer, shall be established by law, payable out of the County Treasury, and shall not be diminished during his term of office. The Justices of the Peace shall be paid, for services in Courts of Sessions, a per diem allowance out of the County Treasury. The County Judge shall also be Surrogate of his county; but in counties having a population exceeding forty thousand, the Legislature may provide for the election of a separate officer to be Surrogate, whose term of office shall be the same as that of

the County Judge. The County Judge of any county may preside at Courts of Sessions, or hold County Courts, in any other county, except New York and Kings, when requested by the judge of such other county.

SEC. 16. The Legislature may, on application of the Board of Supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of County Judge and of Surrogate, in cases of their inability, or of a vacancy, and to exercise such other powers in special cases as may be provided by law.

SEC. 17. The Legislature shall provide for submitting to the electors of the State, at the general election in the year eighteen hundred and seventy-three, two questions, to be voted upon on separate ballots, as follows: First, "Shall the offices of Chief Judge and Associate Judge of the Court of Appeals, and of Justice of the Supreme Court, be hereafter filled by appointment?"\* If a majority of the votes upon the question shall be in the affirmative, the said officers shall not thereafter be elective, but, as vacancies occur, they shall be filled by appointment by the Governor by and with the advice and consent of the Senate; or if the Senate be not in session, by the Governor; but in such case, he shall nominate to the Senate when next convened, and such appointment by the Governor alone shall expire at the end of that session. Second, "Shall the offices of the judges mentioned in sections twelve and fifteen of article six of the Constitution, be hereafter filled by appointment?"\* If a majority of the votes upon the question

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\* Submitted to vote of the people, November 4, 1873 — pursuant to chap. 314, Laws of 1873, — and determined in the negative.

shall be in the affirmative, the said officers shall not thereafter be elective, but as vacancies occur, they shall be filled in the manner in this section above provided.

SEC. 18. The electors of the several towns shall, at their annual town meeting, and in such manner as the Legislature may direct, elect Justices of the Peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the Peace, and Judges or Justices of inferior courts not of record and their clerks, may be removed, after due notice and an opportunity of being heard by such courts as may be prescribed by law, for causes to be assigned in the order of removal. Justices of the Peace and district court justices shall be elected in the different cities of this State, in such manner, and with such powers, and for such terms, respectively, as shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of cities, or appointed by some local authorities thereof.

SEC. 19. Inferior local courts of civil and criminal jurisdiction may be established by the Legislature; and, except as herein otherwise provided, all judicial officers shall be elected or appointed at such times, and in such manner, as the Legislature may direct.

SEC. 20. Clerks of the several counties shall be Clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The Clerk of the Court of

Appeals shall keep his office at the seat of government. His compensation shall be fixed by law and paid out of the public treasury.

SEC. 21. No judicial officer, except Justices of the Peace, shall receive to his own use any fees or perquisites of office; nor shall any Judge of the Court of Appeals, Justice of the Supreme Court, or Judge of a Court of Record in the cities of New York, Brooklyn or Buffalo, practice as an attorney or counselor in any court of record in this State, or act as referee.

SEC. 22. The Legislature may authorize the judgments, decrees and decisions of any court of record of original civil jurisdiction, established in a city, to be removed for review, directly into the Court of Appeals.

SEC. 23. The Legislature shall provide for the speedy publication of all Statutes, and also for the appointment by the Justices of the Supreme Court designated to hold general terms, of a reporter of the decisions of that court. All laws and judicial decisions shall be free for publication by any person.

SEC. 24. The first election of judges of the Court of Appeals, and of the three additional judges of the Court of Common Pleas for the city and county of New York, shall take place on such day, between the first Tuesday of April and the second Tuesday in June next after the adoption of this article, as may be provided by law. The Court of Appeals, the Commissioners of Appeals, and the additional judges of the said Court of Common Pleas, shall respectively enter upon their duties on the first Monday of July thereafter.

SEC. 25. Surrogates, Justices of the Peace, and local

judicial officers provided for in section sixteen, in office when this article shall take effect, shall hold their respective offices until the expiration of their terms.

SEC. 26. Courts of special sessions shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.

SEC. 27. For the relief of Surrogates' Courts, the Legislature may confer upon Courts of Record, in any county having a population exceeding four hundred thousand, the powers and jurisdiction of surrogates, with authority to try issues of fact by jury in probate causes.

\* SEC. 28. The Court of Appeals may order any of the causes, not exceeding five hundred in number, pending in that court at the time of the adoption of this provision, to be heard and determined by the Commissioners of Appeals, and the Legislature may extend the term of service of the Commissioners of Appeals, not exceeding two years. †

## ARTICLE VII.

SECTION 1. After paying the expenses of collection, superintendence and ordinary repairs, there shall be appropriated and set apart in each fiscal year out of the revenues of the State Canals, in each year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of one million and three hundred thousand dollars until the first day of June, one thousand eight hundred and fifty-five, and from that time the sum of one million and seven hundred thou-

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\* Section 28, added by vote of the people, Nov. 5, 1872.

† Term of service of Commissioners of Appeals extended to July 1, 1875, by chap. 3, Laws of 1873.

sand dollars in each fiscal year, as a sinking fund to pay the interest and redeem the principal of that part of the State debt called the Canal debt, as it existed at the time first aforesaid, and including three hundred thousand dollars then to be borrowed, until the same shall be wholly paid ; and the principal and income of the said sinking fund shall be sacredly applied to that purpose.

SEC. 2. After complying with the provisions of the first section of this article, there shall be appropriated and set apart out of the surplus revenues of the State Canals, in each fiscal year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of three hundred and fifty thousand dollars, until the time when a sufficient sum shall have been appropriated and set apart, under the said first section, to pay the interest and extinguish the entire principal of the Canal debt ; and after that period, then the sum of one million and five hundred thousand dollars in each fiscal year, as a sinking fund, to pay the interest and redeem the principal of that part of the State debt called the General Fund Debt, including the debt for loans of the State credit to railroad companies which have failed to pay the interest thereon, and also the contingent debt on State stocks loaned to incorporated companies which have hitherto paid the interest thereon, whenever and as far as any part thereof may become a charge on the Treasury or General Fund, until the same shall be wholly paid ; and the principal and income of the said last-mentioned sinking fund shall be sacredly applied to the purpose aforesaid ; and if the payment of any part of the moneys to the said sinking fund

shall at any time be deferred, by reason of the priority recognized in the first section of this article, the sum so deferred, with quarterly interest thereon, at the then current rate, shall be paid to the last-mentioned sinking fund, as soon as it can be done consistently with the just rights of the creditors holding said Canal Debt.

SEC. 3.\* After paying the said expenses of collection, superintendence and repairs of the Canals, and the sums appropriated by the first and second sections of this article, there shall be appropriated and set apart in each fiscal year, out of the surplus revenues of the Canals, as a sinking fund, a sum sufficient to pay the interest as it falls due, and extinguish the principal within eighteen years of any loan made under this section, and if the said sinking fund shall not be sufficient to redeem any part of the principal at the stipulated times of payment, or to pay any part of the interest of such loans as stipulated, the means to satisfy any such deficiency shall be procured on the credit of the said sinking fund. After complying with the foregoing provisions, there shall be paid annually out of the said revenues into the Treasury of the State two hundred thousand dollars, to defray the necessary expenses of government. The remainder shall, in each fiscal year, be applied to meet appropriations for the enlargement and completion of the Canals mentioned in this section, until the said Canals shall be completed. In each fiscal year thereafter the remainder shall be disposed of in such manner

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\* Section 3, as amended by vote of the people, February 15, 1854, and November 3, 1874.

as the Legislature may direct, but shall at no time be anticipated or pledged for more than one year in advance. The Legislature shall annually, during the next four years, appropriate to the enlargement of the Erie, the Oswego, the Cayuga and Seneca canals, and to the completion of the Black River and Genesee Valley canals, and for the enlargement of the locks of the Champlain canal, whenever, from dilapidation or decay it shall be necessary to rebuild them, a sum not exceeding two millions two hundred and fifty thousand dollars. The remainder of the revenues of the Canals for the current fiscal year in which such appropriation is made, shall be applied to meet such appropriation; and if the same shall be deemed insufficient, the Legislature shall at the same session provide for the deficiency by loan. The Legislature shall also borrow one million and five hundred thousand dollars to refund to the holders of the Canal revenue certificates issued under the provisions of chapter four hundred and eighty-five of the Laws of the year one thousand eight hundred and fifty-one, the amount received into the Treasury thereon. But no interest to accrue after July first, one thousand eight hundred and fifty-five, shall be paid on such certificates. The provisions of section twelve of this article requiring every law for borrowing money to be submitted to the people, shall not apply to the loans authorized by this section. No part of the revenues of the Canals or of the funds borrowed under this section, shall be paid or applied upon or in consequence of any alleged contract made under chapter four hundred and eighty-five of the Laws

of the year one thousand eight hundred and fifty-one, except to pay for work done or materials furnished prior to the first day of June, one thousand eight hundred and fifty-two. The rates of toll on persons and property transported on the Canals shall not be reduced below those for the year one thousand eight hundred and fifty-two, except by the Canal Board, with the concurrence of the Legislature. All contracts for work or materials on any Canal shall be made with the person who shall offer to do or provide the same at the lowest price, with adequate security for their performance.

\*No extra compensation shall be made to any contractor, but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the Canal Board may, upon the application of the contractor, cancel such contract.

SEC. 4. The claims of the State against any incorporated company to pay the interest and redeem the principal of the stock of the State loaned or advanced to such company, shall be fairly enforced, and not released or compromised; and the moneys arising from such claim shall be set apart, and applied as part of the sinking fund provided in the second section of this article. But the time limited for the fulfillment of any condition of any release or compromise heretofore made or provided for, may be extended by law.

SEC. 5. If the sinking funds, or either of them provided in this article, shall prove insufficient to enable the State, on the credit of such fund, to procure the means, to satisfy the claims of the creditors of the State

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\* Last paragraph added, by vote of the people, Nov. 3, 1874.

as they become payable, the Legislature shall, by equitable taxes, so increase the revenues of the said funds as to make them, respectively, sufficient perfectly to preserve the public faith. Every contribution or advance to the canals, or their debt, from any source, other than their direct revenues, shall, with quarterly interest, at the rates then current, be repaid into the Treasury, for the use of the State, out of the Canal revenues as soon as it can be done consistently with the just rights of the creditors holding the said Canal debt.

\* SEC. 6. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal or the Cayuga and Seneca canal; but they shall remain the property of the State, and under its management forever. Hereafter the expenditures for collections, superintendence, ordinary and extraordinary repairs on the canals named in this section, shall not exceed, in any year, their gross receipts for the previous year. All funds that may be derived from any lease, sale or other disposition of any canal, shall be applied in payment of the debt for which the canal revenues are pledged.

SEC. 7. The Legislature shall never sell or dispose of the Salt Springs, belonging to this State. The lands contiguous thereto and which may be necessary and convenient for the use of the Salt Springs, may be sold by authority of law and under the direction of the Commissioners of the Land Office, for the purpose of investing the moneys arising therefrom in other lands

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\* As amended, by vote of the people, Nov. 3, 1874.

alike convenient; but by such sale and purchase the aggregate quantity of these lands shall not be diminished.

SEC. 8. No moneys shall ever be paid out of the Treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

SEC. 9. The credit of the State shall not, in any manner, be given or loaned to, or in aid of any individual, association or corporation.

SEC. 10. The State may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not, at any time, exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever.

SEC. 11. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it

was raised, or to repay such debts, and to no other purpose whatever.

SEC. 12. Except the debts specified in the tenth and eleventh sections of this article, no debts shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it, at such election. On the final passage of such bill in either house of the Legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrevocable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and lia-

bility. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at any general election, when any other law, or any bill, or any amendment to the Constitution shall be submitted to be voted for or against.

\* SEC. 13. The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the State shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

\* SEC. 14. Neither the Legislature, Canal Board, Canal Appraisers, nor any person or persons acting in behalf of the State, shall audit, allow, or pay any claim which, as between citizens of the State, would be barred by lapse of time. The limitation of existing claims shall begin to run from the adoption of this section; but this provision shall not be construed to revive claims already barred by existing statutes, nor to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

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\* As amended, by vote of the people, Nov. 3, 1874.

## ARTICLE VIII.

SECTION 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 3. The term corporations as used in this article shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

\* SEC. 4. The Legislature shall, by general law, conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank

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\* As amended, by vote of the people, Nov. 3, 1874.

or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

SEC. 5. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

SEC. 6. The Legislature shall provide by law for the registry of all bills or notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

SEC. 7. The stockholders in every corporation and joint-stock association for banking purposes issuing bank notes or any kind of paper credits to circulate as money, after the first day of January, one thousand eight hundred and fifty, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind, contracted after the said first day of January, one thousand eight hundred and fifty.

SEC. 8. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

SEC. 9. It shall be the duty of the Legislature to provide for the organization of cities and incorporated vil-

lages, and to restrict their power of taxation, assessment borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

\* SEC. 10. Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not however prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held by the State for educational purposes.

\* SEC. 11. No county, city, town or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become, directly or indirectly, the owner of stock in or bonds of any association or corporation, nor shall any such county, city, town or village be allowed to incur any indebtedness, except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor, as may be authorized by law.

## ARTICLE IX.

SECTION 1. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common

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\* Sections 10 and 11 added by vote of the people, November 3, 1874.

school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies, and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

## ARTICLE X.

SECTION 1. Sheriffs, clerks of counties, including the Register and Clerk of the city and county of New York, Coroners, and District Attorneys, shall be chosen, by the electors of the respective counties, once in every three years and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the Sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

SEC. 2. All county officers whose election or appointment is not provided for, by this Constitution, shall be elected by the electors of the respective counties or appointed by the Boards of Supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment

is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 3. When the duration of any office is not provided by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

SEC. 4. The time of electing all officers named in this article shall be prescribed by law.

SEC. 5. The Legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

SEC. 6. The political year and Legislative term shall begin on the first day of January ; and the Legislature shall, every year, assemble on the first Tuesday in January, unless a different day shall be appointed by law.

SEC. 7. Provision shall be made by law for the removal for misconduct or malversation in office of all officers (except judicial) whose powers and duties are not local or legislative and who shall be elected at general elections, and also for supplying vacancies created by such removal.

SEC. 8. The Legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this Constitution.

\* SEC. 9. No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other State officers named in the Constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use, any fees or perquisites of office or other compensation.

## ARTICLE XI.

SECTION 1. The militia of this State shall, at all times hereafter, be armed and disciplined and in readiness for service; but all such inhabitants of this State of any religious denomination whatever as from scruples of conscience may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

SEC. 2. Militia officers shall be chosen, or appointed, as follows: Captains, subalterns, and non-commissioned officers shall be chosen by the written votes of the members of their respective companies. Field officers of regiments and separate battalions by the written votes of the commissioned officers of the respective regiments and separate battalions; Brigadier-Generals and brigade inspectors by the field officers of their respective brigades; Major-Generals, Brigadier-Generals

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\* Section 9 added by vote of the people, November 3, 1874.

and commanding officers of regiments or separate battalions, shall appoint the staff officers to their respective divisions, brigades, regiments or separate battalions.

SEC. 3. The Governor shall nominate, and with the consent of the Senate, appoint all Major-Generals and the Commissary-general. The Adjutant-general and other Chiefs of staff departments, and the Aides-de-camp of the Commander-in-Chief, shall be appointed by the Governor, and their commissions shall expire with the time for which the Governor shall have been elected. The Commissary-general shall hold his office for two years. He shall give security for the faithful execution of the duties of his office in such manner and amount as shall be prescribed by law.

SEC. 4. The Legislature shall, by law, direct the time and manner of electing militia officers, and of certifying their elections to the Governor.

SEC. 5. The commissioned officers of the militia shall be commissioned by the Governor; and no commissioned officer shall be removed from office, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, pursuant to law. The present officers of the militia shall hold their commissions subject to removal, as before provided.

SEC. 6. In case the mode of election and appointment of militia officers hereby directed, shall not be found conducive to the improvement of the militia, the Legislature may abolish the same, and provide by law for their appointment and removal, if two-thirds of the members present in each house shall concur therein.

## \*ARTICLE XII.

SECTION 1. Members of the Legislature (and all officers, executive and judicial, except such inferior officers as shall be by law exempted), shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of \_\_\_\_\_, according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration or test, shall be required as a qualification for any office of public trust.

## ARTICLE XIII.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses

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\*As amended by vote of the people, November 3, 1874.

such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of Senators, and shall be published for three months previous to the time of making such choice, and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature, voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. At the general election to be held in the year eighteen hundred and sixty-six, and in each twentieth year thereafter, and also at such time as the Legislature may by law provide, the question, "Shall there be a convention to revise the Constitution, and amend the same?"\* shall be decided by the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature at its next session shall provide by law for the election of delegates to such convention.

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\* A convention, held in 1867, pursuant hereto, proposed a new constitution, which was voted upon in parts, in November, 1869, and rejected, except article six (sections 1 to 27, inclusive).

## ARTICLE XIV.

SECTION 1. The first election of Senators and Members of the Assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-seven. The Senators and Members of Assembly who may be in office on the first day of January, one thousand eight hundred and forty-seven, shall hold their offices until and including the thirty-first day of December following, and no longer.

SEC. 2. The first election of Governor and Lieutenant-Governor under this Constitution shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-eight ; and the Governor and Lieutenant-Governor in office when this Constitution shall take effect, shall hold their respective offices until and including the thirty-first day of December of that year.

SEC. 3. The Secretary of State, Comptroller, Treasurer, Attorney-General, District Attorneys, Surveyor-General, Canal Commissioners and Inspectors of State Prisons, in office when this Constitution shall take effect, shall hold their respective offices until and including the thirty-first day of December, one thousand eight hundred and forty-seven, and no longer.

SEC. 4. The first election of Judges and Clerk of the Court of Appeals, Justices of the Supreme Court, and County Judges, shall take place at such time between the first Tuesday of April and the second Tuesday of June, one thousand eight hundred and forty-seven, as

may be prescribed by law. The said courts shall respectively enter upon their duties on the first Monday of July, next thereafter; but the term of office of said Judges, Clerk and Justices as declared by this Constitution, shall be deemed to commence on the first day of January, one thousand eight hundred and forty-eight.

SEC. 5. On the first Monday of July, one thousand eight hundred and forty-seven, jurisdiction of all suits and proceedings then pending in the present Supreme Court and Court of Chancery, and all suits and proceedings originally commenced and then pending in any Court of Common Pleas (except in the city and county of New York), shall become vested in the Supreme Court hereby established. Proceedings pending in Courts of Common Pleas, and in suits originally commenced in Justices' Courts, shall be transferred to the County Courts provided for in this Constitution, in such manner and form and under such regulations as shall be provided by law. The Courts of Oyer and Terminer hereby established shall in their respective counties have jurisdiction on and after the day last mentioned of all indictments and proceedings then pending in the present Courts of Oyer and Terminer, and also of all indictments and proceedings then pending in the present Courts of General Sessions of the Peace, except in the city of New York and except in cases of which the Courts of Sessions hereby established may lawfully take cognizance; and of such indictments and proceedings the Courts of Sessions hereby established shall have jurisdiction on and after the day last mentioned.

SEC. 6. The Chancellor and the present Supreme

Court shall, respectively, have power to hear and determine any of such suits and proceedings ready on the first Monday of July, one thousand eight hundred and forty-seven, for hearing or decision, and shall, for their services therein, be entitled to their present rates of compensation until the first day of July, one thousand eight hundred and forty-eight, or until all such suits and proceedings shall be sooner heard and determined. Masters in Chancery may continue to exercise the functions of their office in the Court of Chancery, so long as the Chancellor shall continue to exercise the functions of his office under the provisions of this Constitution. And the Supreme Court hereby established shall also have power to hear and determine such of said suits and proceedings as may be prescribed by law.

SEC. 7. In case any vacancy shall occur in the office of Chancellor or Justice of the present Supreme Court, previously to the first day of July, one thousand eight hundred and forty-eight, the Governor may nominate, and by and with the advice and consent of the Senate, appoint a proper person to fill such vacancy. Any Judge of the Court of Appeals or Justice of the Supreme Court, elected under this Constitution, may receive and hold such appointment.

SEC. 8. The offices of Chancellor, Justice of the existing Supreme Court, Circuit Judge, Vice-Chancellor, Assistant Vice-Chancellor, Judge of the existing County Courts of each county, Supreme Court Commissioner, Master in Chancery, Examiner in Chancery, and Surrogate (except as herein otherwise provided), are abolished, from and after the first Monday of July, one thousand eight hundred and forty-seven. (1847).

SEC. 9. The Chancellor, the Justices of the present Supreme Court, and the Circuit Judges, are hereby declared to be severally eligible to any office at the first election under this Constitution.

SEC. 10. Sheriffs, Clerks of Counties (including the Register and Clerk of the City and County of New York), and Justices of the Peace, and Coroners, in office when this Constitution shall take effect, shall hold their respective offices until the expiration of the term for which they were respectively elected.

SEC. 11. Judicial officers in office when this Constitution shall take effect may continue to receive such fees and perquisites of office as are now authorized by law, until the first day of July, one thousand eight hundred and forty-seven, notwithstanding the provisions of the twentieth section of the sixth article of this Constitution.

SEC. 12. All local courts established in any city or village, including the Superior Court, Common Pleas, Sessions and Surrogates' Courts of the City and County of New York, shall remain, until otherwise directed by the Legislature, with their present powers and jurisdictions; and the Judges of such Courts and any clerks thereof in office on the first day of January, one thousand eight hundred and forty-seven, shall continue in office until the expiration of their terms of office, or until the Legislature shall otherwise direct.

SEC. 13. This Constitution shall be in force from and including the first day of January, one thousand eight hundred and forty-seven, except as is herein otherwise provided.

## \* ARTICLE XV.

SECTION 1. Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, any thing of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

SEC. 2. Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it is tendered, shall be deemed guilty of an attempt to bribe, which is hereby declared to be a felony.

SEC. 3. Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

SEC. 4. Any district attorney who shall fail faithfully

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\* Article 15, added by vote of the people, Nov. 3, 1874.

to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the Governor, after due notice and an opportunity of being heard in his defense. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this State, within such county, or of receiving bribes by any such person in said county, shall be a charge against the State, and their payment by the State shall be provided for by law.

### \* ARTICLE XVI.

SECTION 1. All amendments to the Constitution shall be in force from and including the first day of January succeeding the election at which the same were adopted, except when otherwise provided by such amendments.

Done, in Convention, at the Capitol in the city of Albany the ninth day of October in the year one thousand eight hundred and forty-six, and of the Independence of the United States of America the seventy-first.

In witness whereof, we have hereunto subscribed our names.

JOHN TRACY, *President*  
and *Delegate from the County of Chenango.*]

|                    |   |                     |
|--------------------|---|---------------------|
| JAMES F. STARBUCK, | } | <i>Secretaries.</i> |
| H. W. STRONG,      |   |                     |
| FR. SEGER,         |   |                     |

*Vote of the People upon the Constitution and its Amendments.*

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| Census of the state, when to be taken.....                      | 3    | 4    |
| Chancellor, office of, abolished.....                           | 14   | 8    |
| to hear causes till July, 1843.....                             | 14   | 6    |
| eligible at first election.....                                 | 14   | 9    |
| vacancy in office supplied by governor and senate.....          | 14   | 7    |
| Chancery [see Court of chancery].                               |      |      |
| Circuit judge, office of, abolished.....                        | 14   | 8    |
| eligible to office at first election.....                       | 14   | 9    |
| Cities may be created by special act.....                       | 8    | 1    |
| to be restricted in their powers .....                          | 8    | 9    |
| officers of, to be elected or appointed .....                   | 10   | 2    |
| not to loan their money or credit.....                          | 8    | 11   |
| not to become owners of stocks or bonds.....                    | 8    | 11   |
| not to contract debts, except for city purposes.....            | 8    | 11   |
| Citizens, not to be disfranchised unless by law.....            | 1    | 1    |
| not to answer for crimes, except on indictments, etc.....       | 1    | 6    |
| not to be twice put in jeopardy for same offense.....           | 1    | 6    |
| City courts [see Courts in cities].                             |      |      |
| County seats, change of.....                                    | 3    | 18   |
| Crime, no one to answer except on presentments, etc.....        | 1    | 6    |
| Criminal cases, no one to be witness against himself.....       | 1    | 6    |
| Clerk of court of appeals, compensation .....                   | 6    | 20   |
| to be paid out of public treasury.....                          | 6    | 60   |
| to be appointed by court .....                                  | 6    | 2    |
| to keep his office at seat of government.....                   | 5    | 20   |
| Clerk of the supreme court, county clerks to be.....            | 6    | 19   |
| Clerks of counties [see County clerks].                         |      |      |
| Clerks and register of New York city, election and tenure ..... | 10   | 1    |
| how removed; to be heard in defense.....                        | 10   | 1    |
| time of election .....                                          | 10   | 4    |
| vacancy, how filled.....                                        | 10   | 5    |
| to hold unexpired terms .....                                   | 14   | 10   |
| credit of the state not to be loaned.....                       | 7    | 9    |
| of cities and villages, to be restricted.....                   | 8    | 9    |
| Code, commissioners to reduce laws into.....                    | 1    | 17   |
| Colonial acts, the law of this state .....                      | 1    | 17   |

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| Colored persons, what, entitled to vote .....                               | 2    | 1    |
| certain, not to be taxed .....                                              | 2    | 1    |
| Commission of appeals, term of service may be extended.....                 | 6    | 28   |
| Commissioners, canal [see Canal commissioners].                             |      |      |
| Commissioners of appeals, causes undetermined by, how dis-<br>posed of..... | 6    | 5    |
| decisions to be certified to.....                                           | 6    | 5    |
| five to be appointed .....                                                  | 6    | 4    |
| four to constitute a quorum.....                                            | 6    | 4    |
| commission to continue no longer than three years .....                     | 6    | 5    |
| reporter of court of appeals to act for.....                                | 6    | 5    |
| when to enter upon duties .....                                             | 6    | 24   |
| vacancies, to be filled by governor .....                                   | 6    | 5    |
| appointments to fill, when to expire .....                                  | 6    | 5    |
| Commissioners of the canal fund, who shall be.....                          | 5    | 5    |
| powers and duties .....                                                     | 5    | 6    |
| Commissioners of the land office, who shall be .....                        | 5    | 5    |
| powers and duties .....                                                     | 5    | 6    |
| may sell land contiguous to the salt springs.....                           | 7    | 7    |
| Commissioners to form code and report to the legislature .....              | 1    | 17   |
| vacancies, how supplied, and compensation .....                             | 1    | 17   |
| of supreme court, office abolished.....                                     | 14   | 8    |
| Commissary-general, appointment and tenure of office .....                  | 11   | 3    |
| to give security.....                                                       | 11   | 3    |
| Common law, part of the law of this state.....                              | 1    | 17   |
| Common pleas court, business transferred.....                               | 14   | 5    |
| judges of, abolished .....                                                  | 14   | 8    |
| Common school fund, capital inviolate .....                                 | 9    | 1    |
| income, how applied .....                                                   | 9    | 1    |
| Compensation of members of the legislature.....                             | 3    | 6    |
| of the governor .....                                                       | 4    | 4    |
| of the lieutenant-governor.....                                             | 4    | 8    |
| of judges of court of appeals and justices of supreme court.                | 6    | 14   |
| of county judges .....                                                      | 6    | 15   |
| of justices of city court .....                                             | 6    | 14   |
| Comptroller, election of, and tenure of office .....                        | 5    | 1    |
| compensation, not to receive fees.....                                      | 5    | 1    |
| commissioner of the land office .....                                       | 5    | 2    |
| commissioner of the canal fund.....                                         | 5    | 5    |
| member of the canal board.....                                              | 5    | 5    |
| when present incumbent to go out of office .....                            | 14   | 3    |

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| Congress, members of, ineligible to the legislature.....                                | 3    | 8    |
| Conscience, liberty of, not to excuse acts of licentiousness.....                       | 1    | 3    |
| Conscience, persons exempt from military duty.....                                      | 11   | 1    |
| Constitution, how amended.....                                                          | 13   | 1    |
| majority of each house necessary to propose amendments<br>to .....                      | 13   | 1    |
| amendments to be published before election of senators.....                             | 13   | 1    |
| majority of each house of next legislature must agree to<br>amendments.....             | 13   | 1    |
| amendments to be approved by a majority of electors voting<br>when to take effect ..... | 13   | 14   |
| Contractors, no extra compensation to.....                                              | 7    | 3    |
| granting privileges to.....                                                             | 3    | 18   |
| Convention to revise the constitution, when question to be sub-<br>mitted .....         | 13   | 2    |
| majority of electors voting at the election, necessary.....                             | 13   | 2    |
| delegates to be elected.....                                                            | 13   | 2    |
| Coroners, election and tenure of office.....                                            | 10   | 1    |
| governor may remove, after hearing defense.....                                         | 10   | 1    |
| time of election.....                                                                   | 10   | 4    |
| to hold unexpired term.....                                                             | 14   | 10   |
| Corporate rights or charters not affected.....                                          | 1    | 18   |
| Corporations, to be formed under general laws.....                                      | 8    | 1    |
| by special acts in certain cases .....                                                  | 8    | 1    |
| general laws may be altered.....                                                        | 8    | 1    |
| dues from, how secured .....                                                            | 8    | 2    |
| d. fined, to sue and be sued in all courts.....                                         | 8    | 3    |
| for banking, not to be created by special act.....                                      | 8    | 4    |
| bank notes to be registered and secured.....                                            | 8    | 6    |
| stockholders in banks individually liable.....                                          | 8    | 7    |
| bank notes to be first paid.....                                                        | 8    | 8    |
| restrictions on municipal.....                                                          | 8    | 9    |
| County clerks to be clerks of supreme court.....                                        | 6    | 20   |
| election, tenure of office and how removed.....                                         | 10   | 1    |
| time of election.....                                                                   | 10   | 4    |
| vacancies, how filled.....                                                              | 10   | 5    |
| to hold unexpired terms.....                                                            | 14   | 10   |
| powers and duties of.....                                                               | 6    | 20   |
| to be clerks of supreme court.....                                                      | 6    | 20   |
| County courts, powers and jurisdiction .....                                            | 6    | 15   |

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| County judge, election or appointment of, question to be submitted .....                  | 6    | 17   |
| and surrogate, legislature may provide for election of persons to perform duties of ..... | 6    | 16   |
| may not practice as attorney or act as referee.....                                       | 6    | 21   |
| salary of .....                                                                           | 6    | 15   |
| tenure of office of present incumbent .....                                               | 6    | 15   |
| to hold county court and act as surrogate.....                                            | 6    | 15   |
| with two justices of the peace, to hold courts of sessions.....                           | 6    | 15   |
| restriction as to age .....                                                               | 6    | 13   |
| County, not to be divided in forming senate districts, except, etc .....                  | 3    | 4    |
| County, each county to have member of assembly, except Hamilton .....                     | 3    | 5    |
| supervisors may have power of local legislation.....                                      | 3    | 17   |
| not to be liable for acts of sheriff.....                                                 | 10   | 1    |
| not to loan its money on credit .....                                                     | 8    | 11   |
| not to become owner of stock or bonds.. ..                                                | 8    | 11   |
| not to incur debts, except for county purposes.....                                       | 8    | 11   |
| officers to be elected or appointed according to law.....                                 | 10   | 2    |
| Court of appeals, attendants, court may appoint and remove....                            | 6    | 2    |
| causes in, January 1, 1869, how disposed of .....                                         | 6    | 4    |
| in present, to be vested in court hereby established .....                                | 6    | 4    |
| certain, to be heard and determined by a commission....                                   | 6    | 4    |
| clerk, court to have power of appointment.....                                            | 6    | 2    |
| reporter may be appointed by.....                                                         | 6    | 2    |
| commission, of whom to be composed.....                                                   | 6    | 4    |
| four to constitute a quorum .....                                                         | 6    | 4    |
| reporter [of .....                                                                        | 6    | 5    |
| vacancies in office of, how filled.....                                                   | 6    | 5    |
| term of service may be extended .....                                                     | 6    | 28   |
| concurrence of four judges necessary to decision .....                                    | 6    | 2    |
| judges, how and when chosen.....                                                          | 6    | 2    |
| compensation of.....                                                                      | 6    | 14   |
| not to be diminished during term of office.....                                           | 6    | 14   |
| how removed.....                                                                          | 6    | 11   |
| may not practice as attorney, or act as referee.....                                      | 6    | 21   |
| not to hold other office of public trust.....                                             | 6    | 10   |
| restriction as to age .....                                                               | 6    | 13   |
| vacancies in office of, how filled .....                                                  | 6    | 3    |
| when to enter upon duties .....                                                           | 6    | 24   |

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| Court of Appeals, judgments of certain courts of record in cities |      |     |
| may be removed directly to, for review .....                      | 6    | 22  |
| of whom composed .....                                            | 6    | 2   |
| powers and jurisdiction of, not to be suspended by reason of      |      |     |
| non-appointment, etc.....                                         | 6    | 3   |
| quorum in.....                                                    | 6    | 2   |
| Court of chancery to decide causes till July, 1848.....           | 14   | 6   |
| business to be transferred.....                                   | 14   | 5   |
| masters in chancery to act .....                                  | 14   | 6   |
| Courts of general sessions, business transferred.....             | 14   | 5   |
| Courts of oyer and terminer, justice of supreme court may pre-    |      |     |
| side in .....                                                     | 6    | 7   |
| inferior local may be established by legislature .....            | 6    | 19  |
| Courts of record in cities judgment of, may be removed to court   |      |     |
| of appeals for review .....                                       | 6    | 22  |
| Courts of sessions, by whom held.....                             | 6    | 15  |
| of special sessions, jurisdiction.....                            | 6    | 26  |
| Court, supreme, old :                                             |      |     |
| to hear causes till July, 1848.....                               | 14   | 6   |
| vacancy to be filled.....                                         | 14   | 7   |
| Credit or money of state, not to be loaned.....                   | 8    | 10  |
| Debate, legislative, freedom of, secured.....                     | 3    | 12  |
| Debt, revenues of canal to pay yearly, \$1,300,000.....           | 7    | 1   |
| "        "        "        1,700,000.....                         | 7    | 1   |
| "        "        "        350,000.....                           | 7    | 2   |
| "        "        "        1,500,000.....                         | 7    | 2   |
| to supply deficit in sinking fund .....                           | 7    | 5   |
| not to exceed \$1,000,000 .....                                   | 7    | 10  |
| money borrowed, how to be used .....                              | 7    | 10  |
| to repel invasion, repress insurrection, etc.....                 | 7    | 11  |
| money borrowed, how to be used .....                              | 7    | 11  |
| not to create other, without providing for payment.....           | 7    | 12  |
| nor without being approved by the people.....                     | 7    | 12  |
| law for, how to be passed and question on.....                    | 7    | 12  |
| may be repealed in part .....                                     | 7    | 12  |
| tax for debt incurred, not repealable .....                       | 7    | 12  |
| act to be submitted after three months .....                      | 7    | 12  |
| but not at a general election.....                                | 7    | 12  |
| cities and villages, to be restricted in creating.....            | 8    | 9   |
| Debts, obligation of, not to be impaired .....                    | 1    | 18  |

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| Debts, due the state from corporations, to be enforced.....                             | 7    | 4    |
| due the state, time of payment may be extended.....                                     | 7    | 4    |
| Decisions, judicial, to be published.....                                               | 6    | 23   |
| publication to be free.....                                                             | 6    | 23   |
| of courts of record in cities, may be removed into court of<br>appeals for review ..... | 6    | 22   |
| District attorneys, election and tenure of office.....                                  | 10   | 1    |
| governor may remove, to be heard in defense.....                                        | 10   | 1    |
| time of election .....                                                                  | 10   | 4    |
| incumbent, when to go out of office.....                                                | 14   | 3    |
| may be removed for not prosecuting certain offenses.....                                | 15   | 4    |
| Districts, assembly, how and when altered.....                                          | 3    | 5    |
| Districts, judicial [see Judicial districts of supreme court.]                          |      |      |
| Districts, senate.....                                                                  | 3    | 3    |
| how and when altered.....                                                               | 3    | 4    |
| Divorce not to be granted without judicial proceedings .....                            | 1    | 10   |
| Duration of office, when not fixed by law.....                                          | 10   | 3    |
| Elections, to be by ballot.....                                                         | 2    | 6    |
| of members of the legislature, when held.....                                           | 3    | 9    |
| of governor and lieutenant-governor .....                                               | 4    | 3    |
| secretary of state, and other state officers.....                                       | 5    | 1    |
| of sheriffs, etc.....                                                                   | 10   | 1    |
| judges, justices of supreme court, etc.....                                             | 14   | 4    |
| opening of, etc.....                                                                    | 3    | 18   |
| Electors, qualifications of.....                                                        | 2    | 1    |
| persons offering or receiving bribe excluded from right to<br>vote.....                 | 2    | 2    |
| convicted of infamous crime may be excluded from.....                                   | 2    | 2    |
| what constitutes residence of .....                                                     | 2    | 3    |
| Engineer [see State engineer and surveyor.]                                             |      |      |
| Enumeration of inhabitants, when taken.....                                             | 3    | 4    |
| Erie canal, enlargement to be completed .....                                           | 7    | 3    |
| not to be sold, leased, etc.....                                                        | 7    | 6    |
| Escheat to the people .....                                                             | 1    | 11   |
| Examiner in chancery, office abolished .....                                            | 14   | 8    |
| Executive power vested in governor.....                                                 | 4    | 1    |
| Fees, secretary of state not to receive, to his use.....                                | 5    | 1    |
| comptroller, treasurer and attorney-general do.....                                     | 5    | 1    |
| no judicial officer to receive fees, except justice of the peace                        | 6    | 20   |

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| Fees, certain judicial officers may receive, till July, 1847 .....                                 | 14   | 11   |
| of public officers.....                                                                            | 3    | 12   |
| Feudal tenures, abolished .....                                                                    | 1    | 12   |
| Fines, excessive, not to be imposed.....                                                           | 1    | 5    |
| and quarter sales to be void.....                                                                  | 1    | 15   |
| Freedom of speech and press secured.....                                                           | 1    | 8    |
| debate in legislature secured.....                                                                 | 3    | 12   |
| religion .....                                                                                     | 1    | 3    |
| Fund, sinking [see Sinking Fund, Common School fund, Literature fund, United States deposit fund.] |      |      |
| no money paid from, without appropriation.....                                                     | 7    | 8    |
| Gauging, office for, abolished.....                                                                | 5    | 8    |
| General sessions, courts of, business transferred.....                                             | 14   | 5    |
| Genesee Valley canal, to be completed.....                                                         | 7    | 3    |
| not to be sold or leased .....                                                                     | 7    | 6    |
| Government expenses from canal revenues, \$200,000 .....                                           | 7    | 3    |
| "          "          "          350,000 .....                                                     | 7    | 3    |
| "          "          "          672,500 .....                                                     | 7    | 3    |
| Governor, executive power vested in, and term of office.....                                       | 4    | 1    |
| who eligible .....                                                                                 | 4    | 2    |
| when and how elected.....                                                                          | 4    | 3    |
| commander-in-chief, etc.....                                                                       | 4    | 4    |
| to communicate by message .....                                                                    | 4    | 4    |
| to convene legislature, or senate only.....                                                        | 4    | 4    |
| to execute laws, compensation, residence .....                                                     | 4    | 4    |
| to grant reprieves, pardons, et c.....                                                             | 4    | 5    |
| to suspend execution in cases of treason.....                                                      | 4    | 5    |
| to report pardons and reprieves yearly.....                                                        | 4    | 5    |
| when out of state, at head of military force.....                                                  | 4    | 6    |
| not to appoint members of the legislature to office.....                                           | 3    | 7    |
| to sign bills if he approve .....                                                                  | 4    | 9    |
| may object to one or more items in a bill appropriating money, and approve the rest.....           | 4    | 9    |
| to approve bill in thirty days after adjournment or it cannot become a law.....                    | 4    | 9    |
| if disapproved, to be returned with objections.....                                                | 4    | 9    |
| to determine by lot the terms of inspectors of state prisons.                                      | 5    | 4    |
| to fill vacancy in office .....                                                                    | 5    | 4    |
| may suspend treasurer, etc.....                                                                    | 5    | 7    |
| may appoint another to perform duties.....                                                         | 5    | 7    |

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| Governor, may remove sheriff, county clerk, district attorney and coroner.....                                        | 10 | 1  |
| may remove district attorneys for not prosecuting certain offenses .....                                              | 15 | 4  |
| may appoint with consent of senate, major-generals and commissary-generals.....                                       | 11 | 3  |
| to nominate chancellor and justice of supreme court.....                                                              | 14 | 7  |
| first election of.....                                                                                                | 14 | 2  |
| Grants, certain, with rents reserved, void .....                                                                      | 1  | 14 |
| from king of Great Britain.....                                                                                       | 1  | 18 |
| Habeas corpus, not to be suspended, except, etc.....                                                                  | 1  | 4  |
| Hamilton county, to elect members with Fulton .....                                                                   | 3  | 5  |
| Impeachment, articles of, preferred against judicial officer, effect of .....                                         | 6  | 1  |
| assembly to have power of.....                                                                                        | 6  | 1  |
| concurrence of two-thirds necessary to convict.....                                                                   | 6  | 1  |
| court for trial of, of whom composed .....                                                                            | 6  | 1  |
| duty of governor relative to .....                                                                                    | 4  | 7  |
| duty of members of court of.....                                                                                      | 6  | 1  |
| judgment in cases of conviction, to what to extend.....                                                               | 6  | 1  |
| members of court to be sworn.....                                                                                     | 6  | 1  |
| on trial of governor, lieutenant-governor may not act as member of court .....                                        | 6  | 1  |
| parties impeached, liable to indictment and punishment, according to law.....                                         | 6  | 1  |
| Indians, purchase of lands from, void.....                                                                            | 1  | 16 |
| Indictment, not to be tried without.....                                                                              | 1  | 6  |
| persons convicted on impeachment, liable to .....                                                                     | 6  | 1  |
| Infamous crime, not to answer for, unless on presentment, etc., persons guilty may be deprived of right to vote ..... | 2  | 2  |
| Inferior local courts, may be established .....                                                                       | 6  | 19 |
| Inspections, all officers for, abolished, and not to be created ...                                                   | 5  | 8  |
| Interest, regulating rate of.....                                                                                     | 3  | 18 |
| Invasions, etc., debt may be created for .....                                                                        | 7  | 11 |
| money raised, how used.....                                                                                           | 7  | 11 |

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| Jeopardy, not to be put twice in, for same offense.....                                                   | 1    | 6    |
| Journals of each house to be kept and published, except, etc. ...                                         | 3    | 11   |
| yeas and nays to be entered in.....                                                                       | 3    | 15   |
| objections of governor to be entered on .....                                                             | 4    | 9    |
| Judge of the old county court, office of, abolished.....                                                  | 14   | 8    |
| Judges of court of appeals, term of office .....                                                          | 6    | 2    |
| first election of.....                                                                                    | 62,  | 24   |
| five to form a quorum.....                                                                                | 6    | 2    |
| concurrence of four necessary to a decision.....                                                          | 6    | 2    |
| vacancies, how filled.....                                                                                | 6    | 3    |
| when governor may appoint to fill.....                                                                    | 6    | 3    |
| appointees to fill, term of office.....                                                                   | 6    | 3    |
| powers and jurisdiction, not suspended in certain cases.....                                              | 6    | 3    |
| shall not sit in review of case decided by him .....                                                      | 6    | 8    |
| not to hold any other office of public trust .....                                                        | 6    | 10   |
| votes given for, to be void .....                                                                         | 6    | 10   |
| may be removed by concurrent resolution of both houses<br>of legislature .....                            | 6    | 11   |
| removals, cause to be entered on journals.....                                                            | 6    | 11   |
| accused to have opportunity of defense.....                                                               | 6    | 11   |
| chief judge and associate, manner of appointment of, to be<br>submitted to the people.....                | 6    | 17   |
| may not practice as attorney or counselor in any court of<br>record in this state, or act as referee..... | 6    | 21   |
| when to enter upon their duties.....                                                                      | 6    | 24   |
| to be member of court of impeachment.....                                                                 | 6    | 1    |
| not to hold office after seventy years of age.....                                                        | 6    | 13   |
| Judges of courts of record, may not practice as attorneys or act<br>as referees .....                     | 6    | 12   |
| Judicial decisions, free for publication .....                                                            | 6    | 23   |
| officers, except justices of the peace, not to receive fees or<br>perquisites of office .....             | 6    | 21   |
| legislature to direct time and manner of appointment.....                                                 | 6    | 19   |
| may not serve after seventy years of age.....                                                             | 6    | 13   |
| first election of.....                                                                                    | 14   | 4    |
| those now in office may receive fees.....                                                                 | 14   | 11   |
| Jurisdiction of courts, when to be transferred.....                                                       | 14   | 5    |
| Jurors, drawing, etc., of.....                                                                            | 3    | 18   |
| Jury, right of trial by, secured, when waived.....                                                        | 1    | 2    |
| to assess value of property .....                                                                         | 1    | 7    |
| in libel cases, to determine law and fact .....                                                           | 1    | 8    |
| first election of .....                                                                                   | 14   | 4    |

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| Justice of the old supreme court, office of, abolished .....                                  | 14   | 8    |
| to act till July, 1848.....                                                                   | 14   | 6    |
| eligible at first election.....                                                               | 14   | 9    |
| to hold unexpired terms.....                                                                  | 14   | 10   |
| Justices of peace, and district court justices , election of .....                            | 6    | 18   |
| election and tenure of office.....                                                            | 6    | 18   |
| expiration of term of those in office .....                                                   | 6    | 21   |
| may be removed for cause, after opportunity for defense.....                                  | 6    | 18   |
| may receive fees.....                                                                         | 9    | 21   |
| may hold courts in other counties .....                                                       | 6    | 15   |
| members of court of sessions.....                                                             | 6    | 15   |
| compensation as such .....                                                                    | 6    | 15   |
| number and classification regulated.....                                                      | 6    | 18   |
| to be elected at annual town meetings.....                                                    | 6    | 18   |
| to hold unexpired terms.....                                                                  | 6    | 18   |
| of peace, vacancy how filled.....                                                             | 6    | 18   |
| of supreme court, term of office of present incumbents.....                                   | 6    | 6    |
| how many to reside in each district.....                                                      | 6    | 6    |
| number necessary to hold general terms.....                                                   | 6    | 7    |
| presiding, to act as such during term of office .....                                         | 6    | 7    |
| may not sit in review of decision made by court of which he<br>was at the time a member ..... | 6    | 8    |
| vacancies, how filled .....                                                                   | 6    | 9    |
| may not hold any other office of public trust .....                                           | 6    | 10   |
| votes for, other than for judicial office, void .....                                         | 6    | 10   |
| may be removed by concurrent resolution passed by two-<br>third vote.....                     | 6    | 11   |
| removals, cause to be entered on journals .....                                               | 6    | 11   |
| question on, how taken .....                                                                  | 6    | 11   |
| to be chosen by electors of respective judicial districts.....                                | 6    | 13   |
| official term .....                                                                           | 6    | 13   |
| not to hold office after seventy years of age .....                                           | 6    | 13   |
| compensation .....                                                                            | 6    | 13   |
| not to be diminished during term of office.....                                               | 6    | 13   |
| question as to manner of appointment to be submitted to<br>people .....                       | 6    | 17   |
| may not receive to his own uses any fee or perquisites of<br>office.....                      | 6    | 21   |
| may not practice as attorney or act as referee .....                                          | 6    | 21   |
| may not serve after seventy years of age .....                                                | 6    | 13   |
| to appoint reporter.....                                                                      | 6    | 21   |

|                                                               | Art. | Sec. |
|---------------------------------------------------------------|------|------|
| King of Great Britain, grants of land by .....                | 1    | 18   |
| Land office, commissioners of .....                           | 5    | 5    |
| Land purchases from Indians void, unless, etc .....           | 1    | 16   |
| Land, ultimate property in .....                              | 1    | 11   |
| all to be allodial .....                                      | 1    | 13   |
| certain leases over twelve years void .....                   | 1    | 14   |
| Law and equity, supreme court of .....                        | 6    | 6    |
| Laws to be enacted by bill only .....                         | 3    | 1    |
| existing laws, how made part of an act .....                  | 3    | 17   |
| to be enforced by governor .....                              | 4    | 4    |
| certain, to be submitted to the people .....                  | 7    | 12   |
| mode of enacting [ see Bills ].                               |      |      |
| Legislature, what constitutes .....                           | 3    | 1    |
| who is ineligible to .....                                    | 3    | 8    |
| compensation of members of .....                              | 3    | 6    |
| members not to receive civil appointments .....               | 3    | 7    |
| when elected .....                                            | 3    | 9    |
| majority constitutes a quorum .....                           | 3    | 10   |
| each house to determine its own rules .....                   | 3    | 10   |
| each house to chose its own officers .....                    | 3    | 10   |
| each house to judge of elections, etc .....                   | 3    | 10   |
| each house to keep a journal, etc .....                       | 3    | 11   |
| each house to keep open doors .....                           | 3    | 11   |
| each house not to adjourn without consent .....               | 3    | 11   |
| freedom of debate in, secured .....                           | 3    | 12   |
| to pass general laws .....                                    | 3    | 17   |
| not to pass private or local bills in certain cases .....     | 3    | 18   |
| not to audit or allow a private claim .....                   | 3    | 19   |
| may confer powers of local legislation .....                  | 3    | 23   |
| not to grant extra compensation to public officers .....      | 3    | 24   |
| to elect governor and lieutenant-governor in certain cases .. | 4    | 3    |
| extra session of, how called .....                            | 4    | 4    |
| may authorize judgments, etc., of courts of record in cities  |      |      |
| removed to court of appeals for review .....                  | 6    | 22   |
| to direct as to appointment of judicial officers .....        | 6    | 19   |
| to provide for publication of all statutes .....              | 6    | 2    |
| vote on removal of certain judicial officers, how taken ..... | 6    | 11   |
| to be entered on journals .....                               | 6    | 11   |
| to create corporations by general laws .....                  | 8    | 1    |
| to provide for organization of cities and villages .....      | 8    | 9    |
| to restrict the powers of cities and villages .....           | 8    | 9    |

|                                                                                                       | Art. | Sec. |
|-------------------------------------------------------------------------------------------------------|------|------|
| Legislature, to provide for filling vacancies in office .....                                         | 10   | 8    |
| legislative term, when to commence.....                                                               | 10   | 6    |
| when to assemble .....                                                                                | 10   | 6    |
| to provide removal of officers.....                                                                   | 10   | 7    |
| to declare what constitutes vacancy.....                                                              | 10   | 8    |
| to fix time for electing militia officers.....                                                        | 11   | 4    |
| may change mode of choosing officers.....                                                             | 11   | 6    |
| to provide for delegates to convention.....                                                           | 13   | 2    |
| to pass general laws.....                                                                             | 3    | 18   |
| Liability of corporations and stockholders.....                                                       | 8    | 2    |
| in banking business.....                                                                              | 8    | 7    |
| Libel, truth to be given in evidence.....                                                             | 1    | 8    |
| law and facts to be determined by the jury.....                                                       | 1    | 8    |
| Liberty of conscience not to justify acts of licentiousness, etc..                                    | 1    | 3    |
| Lieutenant-governor, election and tenure of office .....                                              | 4    | 1    |
| qualifications and eligibility.....                                                                   | 4    | 7    |
| president of the senate and casting vote.....                                                         | 4    | 7    |
| compensation of.....                                                                                  | 4    | 8    |
| not to receive fees or perquisites.....                                                               | 4    | 8    |
| commissioner of the land office.....                                                                  | 5    | 5    |
| commissioner of the canal fund.....                                                                   | 5    | 5    |
| member of canal board .....                                                                           | 5    | 5    |
| member of the court for the trial of impeachments.....                                                | 6    | 1    |
| not to sit on trial of governor.....                                                                  | 6    | 1    |
| first election of .....                                                                               | 14   | 2    |
| Life and liberty, not to be deprived of, without, etc.....                                            | 1    | 6    |
| Limitation of claims against state.....                                                               | 7    | 14   |
| Literature fund inviolate, and revenues how applied.....                                              | 9    | 1    |
| Local bills, to embrace but one subject .....                                                         | 3    | 10   |
| subject to be expressed in title.....                                                                 | 3    | 10   |
| Local judicial officers, in office, expiration of term of office.....                                 | 6    | 25   |
| legislature may provide for election of two, to perform duties<br>of county judge and surrogate ..... | 6    | 10   |
| Local legislation, may be conferred on supervisors.....                                               | 3    | 17   |
| Lotteries prohibited.....                                                                             | 1    | 10   |
| Majority of each house necessary to form a quorum .....                                               | 3    | 10   |
| to pass bills.....                                                                                    | 3    | 15   |
| Master in chancery, office of, abolished.....                                                         | 14   | 8    |
| to act until July, 1848.....                                                                          | 14   | 6    |
| Measures and weights, standard of, how supplied.....                                                  | 5    | 8    |
| Measuring, office for, abolished, and not to be created.....                                          | 5    | 8    |

|                                                                         | Art. | Sec. |
|-------------------------------------------------------------------------|------|------|
| Message, governor to communicate by, to the legislature.....            | 4    | 4    |
| objections to bill.....                                                 | 4    | 9    |
| Militia, governor commander-in-chief of .....                           | 4    | 5    |
| to be armed and disciplined .....                                       | 11   | 1    |
| exemptions on religious scruples.....                                   | 11   | 1    |
| officers of, how chosen.....                                            | 11   | 2    |
| major-generals and commissary-general of, how appointed...              | 11   | 3    |
| adjutant-general and chiefs of staff departments, how appointed .....   | 11   | 3    |
| time of choosing militia officers.....                                  | 11   | 4    |
| officers, how commissioned .....                                        | 11   | 5    |
| officers, how removed .....                                             | 11   | 5    |
| legislature may change mode of choosing officers.....                   | 11   | 6    |
| Money, not to be paid without appropriation, in two years.....          | 7    | 8    |
| when borrowed, how used .....                                           | 7    | 10   |
| “ “ .....                                                               | 7    | 11   |
| “ “ .....                                                               | 7    | 12   |
| Municipal corporations, may be created by special acts .....            | 8    | 1    |
| legislature to provide for organization of.....                         | 8    | 9    |
| legislature to restrict powers of taxation, debt, etc.....              | 8    | 9    |
| Names, change of .....                                                  | 3    | 18   |
| New York city, senate districts in.....                                 | 3    | 3    |
| courts in, to continue until altered.....                               | 14   | 12   |
| superior court continued until altered.....                             | 14   | 12   |
| court of common pleas in.....                                           | 6    | 12   |
| judges, compensation of.....                                            | 6    | 14   |
| first election of .....                                                 | 6    | 24   |
| how chosen.....                                                         | 6    | 13   |
| may hold special terms of supreme court.....                            | 6    | 12   |
| term of office of.....                                                  | 6    | 13   |
| vacancies in, how filled.....                                           | 6    | 12   |
| when to enter upon duties .....                                         | 6    | 24   |
| judges of court of common pleas, restriction as to age.....             | 6    | 13   |
| expenses how defrayed.....                                              | 6    | 14   |
| power and jurisdiction of.....                                          | 6    | 12   |
| superior court of city of. ....                                         | 6    | 12   |
| chief judge to be appointed.....                                        | 6    | 12   |
| compensation of judges.....                                             | 6    | 14   |
| expenses, how defrayed.....                                             | 6    | 14   |
| judges of, may be detailed and hold special terms of supreme court..... | 6    | 12   |

|                                                                                        | Art. | Sec. |
|----------------------------------------------------------------------------------------|------|------|
| New York city, superior court of, vacancies in office of judges<br>of, how filled..... | 6    | 12   |
| New York superior court judges, term of office of.....                                 | 6    | 13   |
| Oath of office, form of, no other test required.....                                   | 12   | 1    |
| Officers, state not to receive additional compensation.....                            | 10   | 9    |
| not to receive fees or perquisites.....                                                | 10   | 9    |
| receiving anything of value, when a felony.....                                        | 15   | 1    |
| offering a bribe to, a felony.....                                                     | 15   | 2    |
| attempt to bribe.....                                                                  | 15   | 2    |
| county, how to be elected or appointed .....                                           | 10   | 2    |
| city and town, how to be elected or appointed.....                                     | 10   | 2    |
| other, elected or appointed as law shall direct.....                                   | 10   | 2    |
| removal of other than judicial, local or legislative .....                             | 10   | 7    |
| militia, how chosen.....                                                               | 11   | 2    |
| major-generals, etc.....                                                               | 11   | 3    |
| oath of.....                                                                           | 12   | 1    |
| tenure of, when not fixed by law or constitution .....                                 | 10   | 3    |
| Officers for weighing, inspecting, etc., abolished..                                   | 5    | 8    |
| not to extend to office for protecting health, etc.....                                | 5    | 8    |
| Oyer and terminer. [See court of.]                                                     |      |      |
| Pardons and commutations, etc.....                                                     | 4    | 5    |
| laws may be passed regulating mode of applying for .....                               | 4    | 5    |
| governor to report yearly .....                                                        | 4    | 5    |
| Personal liability of stockholders and corporators, etc.....                           | 8    | 2    |
| in banking corporations.....                                                           | 8    | 7    |
| Petition, right of, not to be abridged.....                                            | 1    | 10   |
| Political year, when to begin .....                                                    | 10   | 6    |
| President of the senate, lieutenant-governor, casting vote.....                        | 4    | 7    |
| pro tem, when chosen.....                                                              | 3    | 10   |
| when to act as governor.....                                                           | 4    | 7    |
| Prisons, superintendent of .....                                                       | 5    | 4    |
| Private or local bills, to embrace but one subject.....                                | 3    | 16   |
| title of, to state the subject.....                                                    | 3    | 16   |
| not to be passed in certain cases .....                                                | 3    | 18   |
| Private road, may be opened.....                                                       | 1    | 7    |
| damages to be found by jury .....                                                      | 1    | 7    |
| Property, not to be taken without process of law.....                                  | 1    | 6    |
| without just compensation .....                                                        | 1    | 6    |
| value to be ascertained by jury or commissioners .....                                 | 1    | 7    |
| by jury for private road .....                                                         | 1    | 7    |

|                                                                 | Art. | Sec |
|-----------------------------------------------------------------|------|-----|
| Property, public, taken for local or private purposes requires  |      |     |
| two-thirds.....                                                 | 1    | 9   |
| ultimate, in lands, possessed by the state .....                | 1    | 11  |
| rights of, not affected.....                                    | 1    | 18  |
| Public money or property taken for local or private purposes    |      |     |
| requires two-thirds.....                                        | 1    | 9   |
| not to be paid without appropriation in two years.....          | 7    | 8   |
| Punishment, cruel or unusual, not to be inflicted.....          | 1    | 5   |
| Qualification of members and election, each house to determine, | 3    | 16  |
| Quarter sales to be void .....                                  | 1    | 15  |
| Question on bill to borrow money, how put .....                 | 7    | 12  |
| Questions to be submitted to people; election or appointment of |      |     |
| judges, justices, etc.....                                      | 6    | 17  |
| Questions to be submitted; election or appointment of judge of  |      |     |
| court of appeals and justice of supreme court.....              | 6    | 17  |
| Quorum, majority of each house.....                             | 3    | 10  |
| what to constitute in court of appeals.....                     | 6    | 24  |
| three-fifths of each house required .....                       | 7    | 14  |
| Railroad tracks, granting right to lay.....                     | 3    | 18  |
| Register in New York [see clerk and register, New York city.]   |      |     |
| Religion, freedom in, secured .....                             | 1    | 3   |
| of officers, other than judicial, local or legislative .....    | 10   | 7   |
| Rent and services, certain, saved and protected.....            | 1    | 12  |
| Reporter of court of appeals, to be appointed by court.....     | 6    | 2   |
| of supreme court to be appointed.....                           | 6    | 23  |
| Reports of decisions to be published .....                      | 6    | 23  |
| publication free to all.....                                    | 6    | 23  |
| Reprieves, and pardons for offenses.....                        | 4    | 5   |
| mode of applying for, may be regulated by law.....              | 4    | 5   |
| to be communicated to the legislature yearly.....               | 4    | 5   |
| Residence, of electors, what shall be .....                     | 2    | 3   |
| when not lost by absence .....                                  | 2    | 3   |
| of persons eligible to the office of governor.....              | 4    | 2   |
| Resolutions, certain, law of the state.....                     | 1    | 17  |
| Revenues of canals, to pay superintendence and repairs.....     | 7    | 1   |
| to pay \$1,300,000 on canal debt yearly .....                   | 7    | 1   |
| to pay \$1,700,000 on canal debt yearly .....                   | 7    | 1   |
| to pay \$350,000 on general fund debt .....                     | 7    | 2   |
| to pay \$1,500,000 on general fund debt.....                    | 7    | 2   |

|                                                                | Art. | Sec. |
|----------------------------------------------------------------|------|------|
| Revenues of canals, to repay deficiency in sinking fund .....  | 7    | 5    |
| to pay \$200,000 to expenses of government.....                | 7    | 3    |
| to pay \$350,000           "           " .....                 | 7    | 3    |
| to pay \$672,500           "           " .....                 | 7    | 3    |
| Roads, laying out of, etc .....                                | 3    | 18   |
| Rules, each house to determine its own .....                   | 3    | 10   |
| Salt springs, not to be sold.....                              | 7    | 7    |
| lands contiguous, may be sold.....                             | 7    | 7    |
| Savings banks, charters of .....                               | 8    | 4    |
| not to have capital stock.....                                 | 8    | 4    |
| trustees not to be interested in profits... ..                 | 8    | 4    |
| School fund, capital inviolate, and revenues how applied ..... | 9    | 1    |
| Secretary of legislative proceedings, when allowed.....        | 3    | 11   |
| Secretary of state, election and tenure of office.....         | 5    | 1    |
| compensation, not to receive fees.....                         | 5    | 1    |
| commissioner of the land office.....                           | 5    | 5    |
| of state, commissioner of the canal fund .....                 | 5    | 5    |
| member of the canal board .....                                | 5    | 5    |
| incumbent, when to go out of office .....                      | 14   | 3    |
| Senate, number of senators.....                                | 3    | 2    |
| who ineligible to.....                                         | 3    | 8    |
| districts .....                                                | 3    | 2    |
| when and how altered, not to divide counties in forming ...    | 3    | 4    |
| compensation .....                                             | 3    | 6    |
| not to receive civil appointments.....                         | 3    | 7    |
| accepting U. S. office vacates seat of.....                    | 3    | 8    |
| majority to constitute a quorum.....                           | 3    | 10   |
| to determine its own rules, and judge of elections, etc.....   | 3    | 10   |
| to keep and publish journal, and open doors.....               | 3    | 11   |
| not to adjourn without consent of assembly.....                | 3    | 11   |
| freedom of debate secured .....                                | 3    | 11   |
| majority requisite to pass bills .....                         | 3    | 15   |
| question on bills to be taken by ayes and nays .....           | 3    | 15   |
| extra session may be convened .....                            | 4    | 7    |
| president of, and president pro tem.....                       | 4    | 4    |
| members of the court for the trial of impeachments.....        | 6    | 1    |
| appointments to certain offices to be made by governor         |      |      |
| and.....                                                       | 6    | 9    |
| may remove militia officers on recommendation of governor,     | 11   | 5    |
| may appoint on nomination of the governor .....                | 11   | 2    |

|                                                                                        | Art. | Sec. |
|----------------------------------------------------------------------------------------|------|------|
| Senate, first election of senators, etc.....                                           | 14   | 1    |
| incumbents, when to go out of office.....                                              | 14   | 1    |
| Sheriffs, election and tenure of office.....                                           | 10   | 1    |
| vacancy in office of.....                                                              | 10   | 5    |
| to hold no other office, and ineligible for next term.....                             | 10   | 1    |
| to renew security, and in default, office vacant.....                                  | 10   | 1    |
| county not to be responsible for acts of.....                                          | 10   |      |
| *governor may remove, and to be heard in defense.....                                  | 10   | 1    |
| time of election of.....                                                               | 10   | 4    |
| incumbent to hold unexpired term.....                                                  | 14   | 10   |
| Sinking fund, \$1,300,000 from canal revenues yearly.....                              | 7    | 1    |
| \$1,700,000 from canal revenues yearly.....                                            | 7    | 1    |
| \$350,000 from canal revenues yearly.....                                              | 7    | 2    |
| \$1,500,000 from canal revenues yearly.....                                            | 7    | 2    |
| if deferred, interest to be computed on....                                            | 7    | 2    |
| dues from incorporated companies, part of.....                                         | 7    | 4    |
| money may be borrowed on credit of.....                                                | 7    | 5    |
| money to be repaid from canal revenues.....                                            | 7    | 5    |
| to be invested in.....                                                                 | 7    | 13   |
| not to be diverted.....                                                                | 7    | 13   |
| Speaker of the assembly, commissioner of the land office..                             | 5    | 5    |
| compensation of.....                                                                   | 3    | 6    |
| Specie payments of banks, not to be suspended.....                                     | 8    | 7    |
| of bank bills to be secured.....                                                       | 8    | 6    |
| Speech, freedom of, secured.....                                                       | 1    | 8    |
| in legislative debate.....                                                             | 3    | 12   |
| State claims, against the state, not to be audited or allowed. ....                    | 7    | 14   |
| State, not to loan its credit .....                                                    | 7    | 9    |
| may create \$1,000,000 debt.....                                                       | 7    | 10   |
| not to loan its money or credit.....                                                   | 8    | 10   |
| State engineer and surveyor, election and tenure of office.....                        | 5    | 2    |
| to be practical engineer.....                                                          | 5    | 2    |
| commissioner of land office.....                                                       | 5    | 5    |
| member of canal board .....                                                            | 5    | 5    |
| State prisons [see superintendent of prisons].....                                     | 5    | 4    |
| Statutes, certain, law of this state.....                                              | 1    | 17   |
| Statutes and legal decisions, legislature to provide for speedy<br>publication of..... | 6    | 23   |
| publication free to all.....                                                           | 6    | 23   |
| Street railroads, consent of property owners and local authorities,                    | 3    | 18   |
| commissioners in certain cases.....                                                    | 3    | 18   |

|                                                               | Art. | Sec. |
|---------------------------------------------------------------|------|------|
| Suffrage, rights of .....                                     | 2    | 1    |
| who may be deprived of.....                                   | 2    | 2    |
| proofs of, how ascertained .....                              | 2    | 4    |
| who excluded from.....                                        | 2    | 2    |
| Suits, certain, not affected .....                            | 1    | 18   |
| Superintendent of prisons.....                                | 5    | 4    |
| of public works.....                                          | 5    | 3    |
| Supervisors of counties to make assembly districts.....       | 3    | 5    |
| of New York city to make senate districts.....                | 3    | 3    |
| board of, in each county.....                                 | 3    | 22   |
| boards of, may have power of local legislation.....           | 3    | 23   |
| Supreme court, of whom composed.....                          | 6    | 6    |
| presiding justice to act as such during term of office.....   | 6    | 7    |
| general terms, of whom composed.....                          | 6    | 7    |
| to be held in each judicial district.....                     | 6    | 7    |
| jurisdiction in law and equity.....                           | 6    | 6    |
| reporter of decisions to be appointed .....                   | 6    | 23   |
| decisions to be free for publication to all.....              | 6    | 23   |
| justices, how chosen.....                                     | 6    | 14   |
| may not practice as attorney or act as referee .....          | 6    | 21   |
| not to hold other office or public trust.....                 | 6    | 10   |
| number of, to reside in each district.....                    | 6    | 6    |
| official term of.....                                         | 6    | 13   |
| special terms and circuit courts may be held by.....          | 6    | 7    |
| vacancies in office of, how filled.....                       | 6    | 9    |
| may preside in courts of oyer and terminer.....               | 6    | 7    |
| restriction as to age .....                                   | 6    | 13   |
| commisioner, office of, abolished.....                        | 14   | 8    |
| old office of, abolished.....                                 | 14   | 8    |
| Surrogate, county judge to act as .....                       | 6    | 15   |
| courts of record may perform duties of, in certain cases..... | 6    | 27   |
| election of may be provided for.....                          | 6    | 16   |
| may be elected in counties where population exceeds 40,000,   | 6    | 15   |
| salary of .....                                               | 6    | 15   |
| election of special, may be provided for.....                 | 6    | 16   |
| tenure of office of present occupants .....                   | 6    | 25   |
| term of office.....                                           | 6    | 15   |
| Surrogate's court, how relieved in certain cases .....        | 6    | 27   |
| Surveyor-general, when to go out of office.....               | 14   | 3    |
| Surveyor, State [see Engineer and Surveyor.]                  |      |      |
| Swamps, draining of.....                                      | 3    | 18   |
| Taxation, certain colored persons exempt from .....           | 2    | 1    |
| cities and villages to be restricted in power of. ....        | 8    | 9    |

|                                                                          | Art. | Sec. |
|--------------------------------------------------------------------------|------|------|
| <b>Tax, direct, to support expense of government.....</b>                | 7    | 3    |
| to supply deficiency in sinking fund .....                               | 7    | 5    |
| to be repaid from canal revenues.....                                    | 7    | 5    |
| law imposing to state distinctly object of.....                          | 3    | 20   |
| bill for, to be passed by yeas and nays.....                             | 3    | 21   |
| three-fifths make a quorum .....                                         | 3    | 21   |
| <b>Testimony in equity cases, how taken .....</b>                        | 6    | 10   |
| <b>Three-fifths necessary for quorum.....</b>                            | 7    | 14   |
| <b>Title of bills, local and private .....</b>                           | 3    | 16   |
| <b>Town, not to loan its money on credit .....</b>                       | 8    | 11   |
| not to become owner of stock or bonds .....                              | 8    | 11   |
| not to contract debts except for town purposes .....                     | 8    | 11   |
| <b>Town officers to be elected or appointed .....</b>                    | 10   | 2    |
| <b>Travel of members of the legislature, compensation for .....</b>      | 3    | 6    |
| <b>Treason, governor may suspend execution of sentence .....</b>         | 4    | 5    |
| legislature may pardon.....                                              | 4    | 5    |
| <b>Treasurer, election and tenure of office of .....</b>                 | 5    | 1    |
| compensation of, not to receive fees.....                                | 5    | 1    |
| commissioner of land office .....                                        | 5    | 1    |
| should be commissioner of canal fund.....                                | 5    | 1    |
| member of the canal board .....                                          | 5    | 1    |
| may be suspended by governor and vacancy supplied.....                   | 5    | 7    |
| incumbent, when to go out of office.....                                 | 14   | 3    |
| <b>Treasury, no money to be paid from, without appropriation.....</b>    | 7    | 8    |
| <b>Tribunals of conciliation, and powers.....</b>                        | 3    | 26   |
| <b>Two-thirds of all elected to pass certain bills .....</b>             | 1    | 9    |
| of all present on bill returned by governor.....                         | 4    | 9    |
| of all present to change mode of electing militia officers, etc.         | 11   | 3    |
| <b>United States officers, judicial or military, not to hold seat in</b> |      |      |
| legislature .....                                                        | 3    | 3    |
| deposit fund, income of, how applied .....                               | 9    | 1    |
| <b>Vacancy in office of treasurer .....</b>                              | 5    | 7    |
| judge of court of appeals and justice of supreme court .....             | 6    | 13   |
| sheriffs, etc., how filled until next political year .....               | 10   | 5    |
| legislature to declare what constitutes.....                             | 10   | 8    |
| provide for supplying.....                                               | 10   | 5    |
| of present chancellor and justices of supreme court.....                 | 14   | 7    |
| <b>Venue, change of.....</b>                                             | 3    | 18   |
| <b>Veto of the governor .....</b>                                        | 4    | 9    |

|                                                              | Art. | Sec. |
|--------------------------------------------------------------|------|------|
| Vice-chancellor, office of, abolished .....                  | 14   | 8    |
| Villages may be created by special acts .....                | 8    | 1    |
| to be restricted in powers of taxation.....                  | 8    | 9    |
| officers in, to be elected or appointed.....                 | 10   | 2    |
| courts in, to continue until altered.....                    | 14   | 12   |
| incorporation of .....                                       | 3    | 18   |
| not to loan their money or credit. ....                      | 8    | 11   |
| not to become owners of bonds, etc.....                      | 8    | 11   |
| not to contract debts, except, etc.....                      | 8    | 11   |
| Votes, certain, for members of the legislature, void .....   | 3    | 7    |
| Weighting, all officers for, abolished.....                  | 5    | 8    |
| Weights and measures, standard of, how supplied.....         | 5    | 8    |
| Witness, not incompetent on account of religious belief..... | 1    | 3    |
| not to be unreasonably detained .....                        | 1    | 5    |
| not to testify against himself in criminal cases.....        | 1    | 6    |
| person charged with bribery may be in his own behalf.....    | 15   | 3    |
| person offering a bribe not privileged from testifying.....  | 15   | 2    |
| Year, political and legislative term .....                   | 10   | 6    |
| Yeas and nays [see Ayes and nays. ]                          |      |      |









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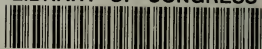
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